

**DOCKET FOR REGULAR COUNCIL MEETING OF
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ADOPTION AGENDA, DISCUSSION, HEARINGS SPECIAL HEARINGS:

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**DOCKET FOR REGULAR COUNCIL MEETING OF
MONDAY, SEPTEMBER 10, 2001 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS - 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101**

ITEM-1: ROLL CALL.

ITEM-10: INVOCATION.

ITEM-20: PLEDGE OF ALLEGIANCE.

SPECIAL ORDERS OF BUSINESS

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS:

Approval of Council Minutes for the meetings of:

7/09/2001
7/10/2001
7/16/2001
7/17/2001
7/23/2001
7/24/2001
7/30/2001 Special Joint Meeting
7/30/2001 Quarterly Night Meeting
7/31/2001
8/06/2001 Special Meeting
8/07/2001 Special Meeting
8/07/2001 Special Joint Meeting

SPECIAL ORDERS OF BUSINESS

ITEM-31: Storm Water Pollution Prevention Week.

COUNCILMEMBER PETERS'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-337)

Proclaiming the week of September 17 through 23, 2001 to be "Storm Water Pollution Prevention Week" in San Diego and encouraging all the people of San Diego to "Think Blue" by doing their part to prevent pollution, urban runoff, and to improve and protect San Diego's water quality.

SPECIAL ORDERS OF BUSINESS

ITEM-32: La Jolla Country Day School's 75th Anniversary Day.

COUNCILMEMBER PETERS'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-313)

Giving special recognition to La Jolla Country Day School on its 75th Anniversary and commending Country Day for its academic excellence and ongoing contributions to the San Diego community;

Proclaiming Tuesday, September 14, 2001 to be "La Jolla Country Day School's 75th Anniversary Day" in San Diego.

SPECIAL ORDERS OF BUSINESS

ITEM-33: San Diego Padres HIV/AIDS Awareness Night.

COUNCILMEMBER ATKINS'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-295)

Commending the San Diego Padres for their commitment to help raise funds for and increase public awareness of HIV/AIDS through the sponsorship and promotion of the first-ever San Diego Padres HIV/AIDS Awareness Night at

Qualcomm Stadium;

Proclaiming September 11, 2001 to be “San Diego Padres HIV/AIDS Awareness Night” in San Diego.

SPECIAL ORDERS OF BUSINESS

ITEM-34: Hillcrest Business Association Day.

COUNCILMEMBER ATKINS’S RECOMMENDATION:

Adopt the following resolution:

(R-2002-321)

Recognizing the Hillcrest Business Association on their 80th Anniversary;

Proclaiming September 11, 2001 to be “Hillcrest Business Association Day” in San Diego.

SPECIAL ORDERS OF BUSINESS

ITEM-35: Rancho Bernardo Chorale Day.

COUNCILMEMBER MAIENSCHIN’S RECOMMENDATION:

Adopt the following resolution:

(R-2002-65)

Commending the Rancho Bernardo Chorale for the accomplishments, talent and contributions it brings to the City of San Diego, and in honor of their accomplishments, proclaiming September 10, 2001, to be “Rancho Bernardo Chorale Day” in San Diego.

SUPPORTING INFORMATION:

For the last twenty seven years, the Rancho Bernardo Chorale has been one of Northern San Diego County's premier vocal groups that has brought joy and the beauty of music to all of its listeners. They are composed of an ensemble of passionate and talented local residents that work diligently and meticulously for the accomplishment of their superb singing in their annual June concert series. The group has successfully been conducted at the award winning direction of Pat Bean and has expanded their audiences to thousands of fans through performances at Disneyland, Knott's Berry Farm, Sea World, Washington, D.C. and Hawaii. In addition, the Rancho Bernardo Chorale supports and gives back to San Diego County by donating their proceeds raised from concerts for scholarships to assist students pursuing

music careers. The City of San Diego is fortunate to have such a precious and invaluable assembly of singers. Therefore, this action proclaims July 20th, 2001, to be "Rancho Bernardo Chorale Day" in the City of San Diego.

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NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject**, regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*). In addition, other items thought to be routine or non-controversial and without any "Request to Speak" slips in opposition may be taken as part of the Consent Agenda.

PLEASE NOTE: ITEMS PULLED FROM THE CONSENT AGENDA (ITEMS 50-132) WILL BE DISCUSSED FOLLOWING ACTION ON THE ADOPTION AGENDA (ITEMS 150-203).

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR
DISPENSING WITH THE READING AND ADOPTION:

Items 50, 51, 52, 53, 54, 55, 56, 57 and 58.

ORDINANCES TO BE INTRODUCED:

Items 58 and 59.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-50: Headquarters Point Research Park Rezoning.

(99-0036 OS Vacation/RZ/VTM/PID/CDP. Mira Mesa Community Plan Area. District-5.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the ordinance which was introduced on 7/31/2001. (Council voted 6-3. Councilmembers Peters, Wear, Atkins, Maienschein, Madaffer and Mayor Murphy voted yea. Councilmember Stevens, Frye, and Inzunza voted nay):

(O-2001-103)

Rezoning 10.3 acres, located between Wateridge Circle and Lusk Boulevard, in the Mira Mesa Community Plan area, from the RS-1-1 (R1-40000) zone to the IL-2-1 (M1-B) zone.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-51: Rancho Encantada Precise Plan; Sycamore Estates Project; Montecito Project.

(99-0295; 99-1094; 99-0899. Future Urbanizing Area. District-7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances in Subitems A and B which were introduced on 8/7/2001. (Council voted 7-2. Councilmembers Peters, Wear, Atkins, Stevens, Madaffer, Inzunza and Mayor Murphy voted yea. Councilmember Maienschein and Frye voted nay):

Subitem-A: (O-2002-16)

Rezoning the Sycamore Estates property, located east of Pomerado Road, west of the Sycamore Canyon County Open Space Preserve, south of Beeler Canyon Road, and north of MCAS Miramar, from the IL-3-1 and IH-2-1 zones (previously referred to as the M1-A and M2-A zones) into the AR-1-1 (previously referred to as the A-1-10 zone), as defined by San Diego Municipal Code section 131.0301; and repealing all previously existing zoning regulations insofar as the same conflict herewith.

Subitem-B: (O-2002-17)

Authorizing the City Manager to execute an agreement regarding Substitution of Extraordinary Benefits, Expansion of Mission Trails Park, and Satisfaction of Development Agreement Requirements with Sycamore Estates, LLC.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-52: Four actions related to Storm Water Pollution and Sedimentation Control.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 7/31/2001 (Council voted 7-0. Councilmembers Atkins and Inzunza not present):

Subitem-A: (O-2002-3)

Amending Chapter IV, Article 3, Division 3, of the San Diego Municipal Code by amending Sections 43.0301, 43.0302, 43.0304, and 43.0305, by amending and renumbering Sections 43.0306, 43.0307, 43.0308, 43.0309, 43.0310, 43.0311 and 43.0312, and by repealing Section 43.0314, relating to Storm Water Management and Discharge Control.

Subitem-B: (O-2002-9)

Amending Chapter 12, Article 9, Division 6, of the San Diego Municipal Code by amending Section 129.0630; and amending Chapter 14, Article 2, Division 1, by amending Section 142.0146, relating to Grading Regulations.

Subitem-C: (O-2002-6)

Amending Chapter 14, Article 2, Division 2, of the San Diego Municipal Code by amending Sections 142.0201, 142.0210 and 142.0220, all relating to Drainage Regulations.

Subitem-D: (O-2002-12)

Amending the Fee Schedule for Subdivision Approvals and Grading and Public Right-of-Way Permits.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

- * ITEM-53: Amendments to the City's Elections Code, Chapter 2, Article 7 of the San Diego Municipal Code.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced as amended on 7/31/2001.
(Council voted 8-0. Councilmember Atkins not present.):

(O-2002-2 Rev.)

Amending Chapter 2, Article 7, of the San Diego Municipal Code by amending Division 2, Section 27.0213; by amending Division 6, Sections 27.0608, 27.0620 and 27.0621; by amending Division 7, Sections 27.0701 and 27.0709; by amending Division 8, Sections 27.0801, 27.0802, 27.0803, 27.0804, 27.0805, 27.0806, and 27.0809; by amending Division 9, Sections 27.0902 and 27.0907; and by repealing Division 23, Sections 27.2301, 27.2302, and 27.2303, all relating to Elections.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

- * ITEM-54: Ellen Browning Scripps Elementary School and Spring Canyon Neighborhood Park - Lease and Joint Use Agreement.

(Miramar Ranch North Community Area. District-5.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 8/6/2001. (Council voted 9-0):

(O-2002-14)

Authorizing the City Manager to execute an agreement with the San Diego Unified School District for the construction, operation, maintenance and lease of turf recreational facilities and parking facilities at the Ellen Browning Scripps Elementary School site.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-55: Pershing Middle School - Joint Use Agreement and Improvements.

(Navajo Community Area. District-7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 8/6/2001. (Council voted 9-0):

(O-2002-15 Cor. Copy)

Authorizing the City Manager to execute a twenty-five year agreement for the construction, operation, maintenance, and lease of turfed fields and recreation facilities at Pershing Middle School with the San Diego Unified School District.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-56: Trailer Lease Agreement - Graffiti Control Division.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 8/6/2001. (Council voted 9-0.):

(O-2002-18)

Authorizing the City Manager to execute a Trailer Lease Agreement with Bert's Office Trailer Rentals for the lease of a 48' x 60' trailer (approximately 2,880 square feet), at a monthly rental rate of approximately \$0.49 per square foot or \$1,392.13 per month, for an initial term of five (5) years;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$86,871.73 from Fund 100, Department 601, for rental, relocation and data infrastructure costs from the FY 2002 budget.

Aud Cert. 2200120.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-57: Transfer of the Non-Exclusive Solid Waste Collection Franchise.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 8/6/2001. (Council voted 9-0.):

(O-2002-20)

Approving the transfer of the Non-Exclusive Solid Waste Collection Franchise Agreement and the Waste Delivery Agreement from Dominion Disposal to National Environmental Waste Corporation.

NOTE: 6 votes required pursuant to Section 103 of the City Charter.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES TO BE INTRODUCED:

* ITEM-58: Office Space Lease Agreement - Police Storefront.

(Mid-City Community Area. District-7.)

CITY COUNCIL'S RECOMMENDATION:

Introduce the following ordinance:

(O-2002-19)

Introduction of an Ordinance authorizing the City Manager to execute a Lease Agreement with the New World Limited Partnership at an initial rent of \$5,971.37 per month, located at 5348 University Avenue, commencing May 1, 2001 and terminating April 30, 2008;

Authorizing the expenditure of \$11,942.74 from Fund 100 for FY2001.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

CITY MANAGER SUPPORTING INFORMATION:

The Multi-Cultural Police Storefront, formerly called Indo-Chinese, has been leasing space at 4844 University Avenue since September 1994 and has expanded beyond capacity. To better accommodate the community needs and to co-locate with other community non-profits, a more suitable location was found at 5348 University Avenue.

The Police Department is proposing to lease the space under the following basic terms:

TERM - Seven (7) years. Commencing May 1, 2001 and terminating April 30, 2008.

RENT - The total rent paid is \$5,971.37 per month. The total rent per month includes a base rent of \$4,646 or \$1 per square foot, and additional rent of \$1,325.27 that will be paid for tenant improvements amortized over Lessee's initial lease term. The rental rate of \$1 per square foot is below market as compared to similar buildings in the area.

USE - General office use for a Police Storefront and for community activities and programs.

SIZE - 4,646 square feet.

OPTION TO EXTEND - The City has the option to extend the lease for one additional five (5)-year period.

FISCAL IMPACT:

\$11,942.74 will be paid from the Police Department's Fund 100 for FY2001.

Herring/Griffith/DLM

ADOPTION AGENDA, CONSENT ITEMS

**ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR
DISPENSING WITH THE READING AND ADOPTION:**

- * ITEM-59: Use and Possession of Glass Etching Products and the Sale of Glass Etching Products and Aerosol Paint Containers.

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2001-147)

Introduction of an Ordinance amending Chapter V, Article 4, by amending Section 54.0402 and adding Section 54.0414; and by amending Chapter V, Article 8, of the San Diego Municipal Code by adding Division 2, by adding Sections 58.0201, 58.0202, 58.0203, 58.0204, and 58.0205, all relating to regulation on the Use and Possession of Glass Etching Products, and the Sale of Glass Etching Products and Aerosol Paint Containers.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:**

On June 20, 2001, PS&NS voted 5-0 to accept the ordinance, as drafted, regarding the use and possession of glass etching products and the sale of glass etching products and aerosol paint containers. (Councilmembers Atkins, Stevens, Maienschein, Frye and Inzunza voted yea.)

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-100: Adobe Falls Water Pump Station - Contract Award.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-332)

Authorizing the City Manager to accept the low bid and award a phase funded contract to TC Construction Co., Inc. for the construction of the Adobe Falls Water Pump Station - Upgrade in the amount of \$3,058,396 which is 20% above the Engineer's estimate;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$583,275 from Water Fund 41500, CIP-73-263.0, Annual Allocation-Water Pump Station Restorations, to Water Fund 41500, CIP-73-327.0, Adobe Falls Water Pump Station - Upgrade, for the construction of the Adobe Falls Water Pump Station;

Authorizing the City and Auditor and Comptroller to expend an amount not to exceed \$891,075 from Water Fund 41500, CIP-73-327.0, Adobe Falls Water Pump Station - Upgrade, and expend an amount not to exceed \$45,000 from Water Fund 41500, CIP-73-331.0, Annual Allocation for Pool Contingency, for the construction costs of the Adobe Falls Water Pump Station provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that funds necessary for expenditure will be on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

On July 9, 2001, the City Council approved (R-295121) advertisement for bids and construction of the Adobe Falls Water Pump Station (formerly called the Alvarado Pump Plant). This new pump station is located on the northwest corner of Waring Road and Interstate 8, and it consists of five (5) energy efficient pumps and motors, new state of the art electrical and telemetry equipment, site piping which include the installation of a new 36-inch transmission main with gate valves and appurtenances, and replacement of various segments of the existing 36 inch pipe within the pump station.

The construction of this new pump station facility will provide a more reliable and efficient facility. It will save in electrical and maintenance costs, and also, it will allow the City to utilize a portion of its local water storage. The CIP Program has performed a community outreach program by meeting with the Allied Garden Community Council and the Navajo Community Planners. In addition, this project is mandated by the State of California Department of Health Services as part of Compliance Order No. 04-14-96-022 (Amendment # 7), Item No. 51 dated May 9, 2001.

On July 27, 2001, five (5) bids were received and opened with the low bid of \$3,058,396 submitted by TC Construction Co., Inc. However, TC Construction's bid came in higher than the engineer's estimate due to changes to the site piping system during the final stages of design, and an increase in electrical and instrumentation cost due to the bidding climate.

TC Construction Co., Inc. submitted the Subcontracting Outreach Program and the Equal Opportunity Contracting Program determined that TC Construction Co., Inc.'s bid is in compliance with the Subcontracting Outreach Program requirements and is considered to be a responsive low bidder on this project.

It is noted that TC Construction Co., Inc. achieved a level of 21.84% in subcontractor participation which exceeded the 19% contract requirements. This action is to award the construction contract to TC Construction Co., Inc. and transfer funds for the additional construction related costs.

FISCAL IMPACT:

Funding in the amount of \$891,075 for the construction is available from the Water Fund 41500, CIP-73-327.0, Adobe Falls Water Pump Station - Upgrade and \$45,000 is available from Water Fund 41500, CIP-73-331.0, Annual Allocation for Pooled Contingency.

Loveland/Gardner/NXK

Aud. Cert. 2200233.

ADOPTION AGENDA, CONSENT ITEMS **RESOLUTIONS:**

* ITEM-101: Asphalt Concrete - Award of Contract.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-256)

Accepting the low bid meeting specifications of Logans Marketing and authorizing a contract for furnishing asphalt concrete, as may be required for a period of one year beginning August 1, 2001 through July 31, 2002, for a total estimated cost of \$1,262,250, with options to renew the contract for four additional one year periods, with price escalations not to exceed 19.9% of prices in effect at the end of each prior contract year;

Authorizing the estimated expenditure of \$1,356,918.75, from Fund No. 50010, Department No. 810, Organization No. 5099, Object Account No. 3231, and Job Order No. 009001 for providing funds for the contract, and authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

Asphalt Concrete is used primarily by the Street Division of the Transportation Department for maintenance of City streets, and by the Water Operations Division of the Water Department for repairing portions of City streets excavated for work on water mains and lateral breaks. The Contractor provides all labor, plant equipment, and materials for mixing aggregate and asphalt binder at a central mixing plant. The mixture is loaded into City trucks or rental trucks and delivered to the designated site.

The Contractor will also dispose of the City's demolition asphalt and concrete materials at no additional cost to the City. Five (5) potential bidders were contacted, in addition to the bid being advertised on the City's web site and in the City's official newspaper.

Three (3) bidders responded per the tabulation. It is recommended that the contract be awarded to Logans Marketing, the low bidder meeting specifications. The most recent contract for asphalt was with Logans Marketing for both Sections I and II. The bid prices for Section I, Asphalt are approximately 12.4% above the previous contract price. For Section II, Cold Mix and Super Cold Mix Asphalt, the bid price is approximately 7.5% above the previous contract price. These price increases are due to increased energy and petroleum costs.

FISCAL IMPACT:

In FY2002, \$1,356,918.75 will be paid from the General Services Department, Central Stores Division's Budget with reimbursement from the Transportation and Water Departments.

Loveland/Baldwin/FM

Aud. Cert. 2200204.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

- * ITEM-102: Abandonment of a Water and Drainage Easement in Sections 8, 9 and 16, T14S, R3W of San Bernardino Base Meridian.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-224)

Vacating the water and drainage easement in Sections 8, 9 and 16, T14S, R3W of San Bernardino Base Meridian.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a water and drainage easement in the proposed Pacific Highlands Ranch development. This property is located in the Carmel Valley Planning area within Council District (1). This easement is on private property and the only purpose for a public service easement is to allow the City to construct and maintain facilities within the easement. No rights are granted to the public. By abandoning this easement the City will no longer have the responsibility to maintain any facility within the easement or the easement area. There are no improvements within the proposed easement abandonment. The development of new water and storm drain facilities in Pacific Highlands Ranch will make these easements unnecessary. The water and drain easement were acquired at no cost to the City. City staff recommends approval of the easement abandonment.

Loveland/Haase/AA

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

- * ITEM-103: Drainage Easement Abandonment in Lot "B" of Map 3554.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-175)

Vacating the drainage easement in Lot "B" of Map 3554.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a drainage easement in lot "B" of Map 3554. This property is located in the La Jolla Community Planning area within Council District (1). The abandonment of this drainage easement is part of a legal settlement agreement between the property owner and the City. The owner will be responsible to clean and maintain the privatized drainage facilities as stated in the agreement per Resolution R-290603 adopted August 4, 1998. The easement was obtained at no cost to the City and the general public has no rights within it.

City staff recommends approval of the easement abandonment.

Loveland/Haase/AA

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-104: Easement Grant - San Diego Gas & Electric Company - Ventura Place.

(Mission Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-283)

Authorizing the City Manager to execute an Easement Deed conveying to San Diego Gas & Electric Company an easement for the purpose of constructing, repairing, modifying, maintaining and using underground facilities and appurtenance of the transmission and distribution of electricity, affecting a portion of Pueblo Lot 1803, according to Miscellaneous Map No. 36, made by James Pascoe in 1870, and filed November 14, 1921.

CITY MANAGER SUPPORTING INFORMATION:

San Diego Gas & Electric Company (SDG&E) has discovered a corroded underground switch while performing maintenance and inspection work in the Mission Bay area. The corroded switch is below safety standards, and is in need of replacement. However, a prolonged electrical outage would occur, affecting Belmont Park, while the corroded switch was replaced. Therefore, SDG&E has requested that a new easement be granted for the construction of a new underground switch facility nearby, bypassing the corroded one. The

new switch can be installed with no disruption of electricity. Although the older switch will be bypassed, the existing easement will remain, due to the underground electric lines in place and in use. The requested underground easement is 44.56 feet in length, 12 feet in width, and includes 534.72 square feet. Since the new switch provides electrical service to Belmont Park, a City leasehold, no compensation will be requested from SDG&E for the easement.

FISCAL IMPACT:

None.

Herring/Griffith/ACG

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

- * ITEM-105: Sewage Transportation Agreement with the East Otay Mesa Sewer Maintenance District.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-140)

Authorizing the City Manager to execute an agreement with the East Otay Mesa Sewer Maintenance District, for transportation of sewage in the San Diego Municipal System.

CITY MANAGER SUPPORTING INFORMATION:

On September 17, 1991, the Board of Supervisors, acting as the Board of Directors of the Spring Valley Sanitation District (SVSD), approved an agreement between SVSD and National City for the purchase of 1.0 million gallons per day of sewage capacity rights in the Metro System. This capacity would be held in reserve by SVSD for eventual transfer to a yet to be formed Sanitation District for the property.

On February 12, 1993, the City of San Diego adopted Resolution R-281431-4, approving the sewage transportation agreement between the City of San Diego and SVSD concerning the East Otay Mesa area. The transportation of 1.0 million gallons per day was contracted for .33 mgd through the Otay Valley Trunk Sewer and .67 mgd through the Otay Mesa Trunk Sewer.

On June 16, 1999, the San Diego County Board of Supervisors approved the establishment of the East Otay Mesa Sewer Maintenance District (EOMSMD) to provide for sewage collection and conveyance services for the developing unincorporated area of East Otay Mesa. In accordance with Section XIV.GENERAL B, of the Regional Wastewater Disposal Agreement, a request was made to all Participating Agencies to approve an amendment to the

Agreement to accept the EOMSMD as a Participating Agency member. Each Participating Agency has adopted a resolution approving the EOMSMD as a Participating Agency member.

The location of EOMSMD's sewage collection systems or portions of such systems with respect to the Metro System's interceptor requires the use of San Diego Municipal System sewage transportation lines. This agreement recognizes the regionally accepted rate to be charged for sewage transportation services rendered by San Diego to EOMSMD, their permitted capacity in San Diego's municipal system sewage transportation lines, and any charges related to said capacity.

The East Otay Mesa Sewer Maintenance District (County of San Diego) estimates they will not be discharging wastewater into the City's Municipal System until FY2003.

FISCAL IMPACT:

There will be no net cost to the City from this action. Sewer transport costs will be recovered through fees paid by the East Otay Mesa Sewer Maintenance District.

Loveland/Tulloch/HRG

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

- * ITEM-106: Easement Grant - San Diego Gas & Electric Company - Adjacent to the San Pasqual Middle School.

(San Pasqual Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-309)

Authorizing the execution of a deed conveying to San Diego Gas & Electric Company an easement for the purpose of erecting, constructing, modifying, improving, reconstructing, relocating, repairing, maintaining and using underground facilities and appurtenance for the transmission and distribution of electricity, and related purposes, affecting a portion of Lot 2 and the Southeast Quarter of the Southwest Quarter of Section 20, Township 12 South, Range 1 West, San Bernardino Meridian as shown on Map No. 16526, together with the North Half of the Northwest Quarter of Section 29, Township 12 South, Range 1 West, SBM.

CITY MANAGER SUPPORTING INFORMATION:

San Diego Gas & Electric Company (SDG&E) has requested two underground easements adjacent to the San Pasqual Middle School. The requested easements will allow the completion of the undergrounding of a portion of a main electric transmission line servicing the Wild Animal Park. The undergrounding was necessitated by the location of the playground for the San Pasqual Middle School, currently under construction. In order to have the new underground line join with the existing poles on City land on each side of the school grounds, two small underground easements are requested. One of the requested underground easements is 10 feet wide, 57.3 feet long, and covers approximately 573 square feet. The other underground easement is 10 feet wide, 50 feet long, and covers approximately 545 square feet. Since the easements requested will allow a partial undergrounding of the transmission line servicing the Wild Animal Park, at no cost to the City, no compensation will be requested.

FISCAL IMPACT: None

Herring/Griffith/ACG

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-107: Slope Easement Abandonment - Lot 2, Pacific Corporate Center Unit 7, Map 11986.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-311)

Vacating the slope easement located within Lot 2, Pacific Corporate Center Unit 7, Map No. 11986.

CITY MANAGER SUPPORTING INFORMATION:

Council is requested to abandon a slope easement granted over Lot 2, Pacific Corporate Center Unit 7, Map 11986 as shown on Engineering Drawing No. 18793-B. It was originally a design requirement for Mira Mesa Boulevard, but was not required for the ultimate design of the street. This easement is no longer required for the purpose for which it was granted and there is no present or anticipated future use for the easement. The easement was acquired at no cost to the City. Staff recommends approval of the abandonment.

FISCAL IMPACT:

None.

Loveland/Haase/GB

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-108: Sale of Water Department Property to the County Water Authority.

(San Pasqual Valley Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-347)

Authorizing the specified interests of real property owned by the City at Lake Hodges to be sold by negotiation for the amount of \$369,000;

Authorizing the specified interests of real property owned by the City at San Vicente to be sold by negotiation for the amount of \$107,500;

Authorizing the City Manager to execute a Grant Deed granting to the San Diego County Water Authority all of the City's interests in those particular interests of real property at Lake Hodges;

Authorizing the City Manager to execute a Grant Deed granting to the San Diego County Water Authority all of the City's interests in those particular interests of real property at San Vicente;

Declaring that the compensation paid to the City of San Diego for the property interests at Lake Hodges and at San Vicente, in the amount of \$476,500, shall be deposited into the Water Department Capital Outlay Fund 30246.

CITY MANAGER SUPPORTING INFORMATION:

The City entered into an Agreement on May 26, 1998 with the San Diego County Water Authority (the Authority) for their Emergency Storage Project at the Water Department's San Vicente Reservoir, Document No. 00-18521-1. The City also entered into a similar agreement with the Authority for their Emergency Storage Project at the Water Department's Lake Hodges Dam and Reservoir, Document No. 00-18521-2. The purpose of the Emergency Storage Project is to expand the San Diego Region's water storage capacity to meet the emergency water needs of the Region in the event of a catastrophic or prolonged interruption of imported water.

Both agreements obligate the City to convey ownership of the lands described in the two

Grant Deeds. After the two projects are completed, the City shall purchase from the Authority those lands which will not be necessary for the operation and maintenance of the Authority's facilities. The purchase price per acre shall be the same as the original sale price per acre as shown in the Grant deeds which are \$9,767 per acre for the 11.003 acres at Lake Hodges and \$7,078 per acre for the 52.132 acres at San Vicente. (The appraisal amounts were rounded up.)

FISCAL IMPACT:

\$476,500 to be deposited in the Water Department Capital Outlay Fund 30246.

Herring/Griffith/JAB

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-109: Residential Permit Parking Area B.

(See City Manager Report CMR-01-177. College Area Community Area.
District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-272)

Approving the expansion of Residential Permit Parking in Area B to include portions of Prosperity Lane and Catoctin Drive (adding the 5300 block of Prosperity Lane; adding the west side of the 5000 block of Catoctin Drive in its entirety, and adding the east side of the 5000 block of Catoctin Drive between the southerly property line of 5015 Catoctin Drive and the intersection of Catoctin Drive and Saranac Street;

Authorizing the installation of the necessary signs and markings; declaring that the above regulations shall become effective upon the installation of the signs.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-110: Prostate Cancer Awareness Month.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-349)

Proclaiming September 2001 to be “Prostate Cancer Awareness Month” in San Diego and observing the month by learning how to prevent prostate cancer and how to detect it early, and by encouraging all men to be screened for the disease.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

- * ITEM-111: Congratulating Phil Saal, Recipient of the 2001 JOHNS Labor Leader of the Year Award.

COUNCILMEMBER ATKINS'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-322)

Congratulating Phil Saal on his receipt of the “2001 Labor Leader of the Year Award” in recognition of his outstanding record of contributions to the enhancement of the quality of life in San Diego.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

- * ITEM-112: Congratulating Hal Jensen, Recipient of the 2001 JOHNS Fellowship Award.

COUNCILMEMBER ATKINS'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-323)

Congratulating Hal Jensen on his receipt of the “2001 JOHNS Fellowship Award” in recognition of his outstanding record of contributions to the enhancement of the quality of life in San Diego.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

- * ITEM-113: The Artemia Way Neighborhood Watch Block Association of San Diego Day.

DEPUTY MAYOR STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-761)

Commending the Artemia Way Neighborhood Watch Block Association of San Diego for their service and contributions to the City of San Diego;

Proclaiming August 11, 2001 to be "The Artemia Way Neighborhood Watch Block Association of San Diego Day" in San Diego.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-114: California Conservation Corps Day.

DEPUTY MAYOR STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-259)

Commending the California Conservation Corps for 25 years of service and contributions to the City of San Diego;

Proclaiming July 27, 2001 to be "California Conservation Corps Day" in San Diego.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-115: Congressional appropriation for Criminal Records Management System Development.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-300)

Authorizing the Chief of Police to apply for, accept, manage and expend a U.S. Congressional appropriation of funds for the purpose of developing the Criminal Records Management System;

Declaring that the authorization shall include all aspects of fund acceptance, operation, contracts, expenditures, and certifications, and that the City will comply with all applicable statutory and/or regulatory requirements related to the appropriation;

Authorizing the Chief of Police to accept, expend and administer any amendments, extensions, renewals, or future funding of the appropriation for a period of up to five years, provided funding is made available by the U.S. Congress;

Declaring that the funds and/or resources received hereunder shall not be used to supplant expenditures controlled by Council, and that the personnel positions funded hereunder, if any, are not subject to local hiring freezes.

CITY MANAGER SUPPORTING INFORMATION:

In a Conference Report from the United States Congress, subsequent to the Budget Appropriation Act of FFY 2001, \$2 million has been "earmarked" specifically to automate the Criminal Records Management System (CRMS) in San Diego, CA. SDPD was required to complete the attached routine application in order to facilitate this funding.

The U.S. Department of Justice, Bureau of Justice Statistics (BJS) has been selected to administer this appropriation. BJS is authorized to charge a portion of the appropriation to cover their administrative costs. Therefore, SDPD was authorized to apply for approximately \$1.95 million.

Our actual application requests \$1,950,068 for general CRMS development. CRMS allows patrol officers to enter crime and arrest reports from their laptop computer. It will route reports to the appropriate investigative unit, permit investigators to complete follow-up reports on-line, and store all reports electronically for access by officers, detectives and support staff from terminals throughout the Department. It will help to improve the quality of reports, leading to more case clearances and prosecutions, and will reduce the costs of handling millions of documents each year.

CRMS development has been underway for two years, funded by federal grants. These funds will supplement other grants to permit completion of the system components. All maintenance costs for the system have been included in the Fiscal Year 2002 projected SLA (Service Level Agreement) with SDDPC.

Funds will pay salaries and benefits of two full-time Information Systems analysts, equipment, supplies, expenses and consultants necessary to develop and implement the planned components.

FISCAL IMPACT:

This special appropriation by the United States Congress provides approximately \$1,950,068. There is no requirement for matching funds, nor for continued expenditures, services or

activities after grant funding has ended.

Uberuaga/Bejarano/DJW

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

- * ITEM-116: San Diego Drag Net Program Grant from the California Office of Traffic Safety.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-284)

Authorizing the Chief of Police, for and on behalf of the City of San Diego, to apply for, accept, manage and expend funds for a grant from the State of California Office of Traffic Safety, for a grant entitled, "San Diego Drag Net Program" including any extensions or amendments;

Declaring that such authorization shall include all aspects of grant acceptance, operation, contracts, expenditures, and certifications, and that the City will comply with all applicable statutory and/or regulatory requirements related to this program;

Authorizing the Chief of Police, on behalf of the City Manager, to accept, expend and administer any amendments, extensions, renewals, or future funding of this program for a period of up to five years, provided funding is made available by the State of California;

Authorizing the City to provide the required matching resources and ongoing costs of operation relating to this program, including any amendments, under the Program and funding terms and conditions of the State of California.

CITY MANAGER SUPPORTING INFORMATION:

The California Office of Traffic Safety (OTS) has worked closely with San Diego Police Department Traffic Division personnel for some time to develop a plan to deter, reduce, enforce, prosecute and adjudicate illegal street drag racing, and to reduce the associated collisions, injuries and deaths, particularly among youth.

OTS has approved grant funding for a 24-month project which will implement multiple intervention strategies, including cooperative law enforcement, prosecution, and adjudication; community and regional education; support for new legislation to reinforce existing laws and preventive measures; and support and promotion of the existing "San Diego State University

Race Legal" program, a legal street racing alternative.

The project will be evaluated by measuring the impact on collisions and injuries; the incidence/prevalence of illegal street racing activity; law enforcement countermeasures employed; and monitoring the adjudication process. The objectives of the project are to reduce illegal street racing to a level which may be managed by routine patrol officers; to increase racer participation in legal alternatives; and to reduce related collisions, injuries and deaths.

FISCAL IMPACT:

OTS grants funds up to 100% of staff salary and benefits in program year 1, and up to 50% in year 2. Grant funding of approximately \$389,245 is allocated for salaries and benefits of one Police Sergeant, one Detective, and three Police Officers II to coordinate, implement and staff the project. An additional \$11,000 is allocated for mandatory grant-related travel. City contribution for project staff salaries and benefits over the 24 month project is approximately \$226,277. The application also commits in-kind resources, including communication, automation, surveillance, inspection and presentation equipment; vehicles; and traffic engineering items, at an estimated value of \$171,085. The total match is \$397,362. There is no requirement to continue program operations after the end of grant funding. SDPD has funds available within their budget to cover the match, and agrees to do so.

Uberuaga/Bejarano/DJW

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

- * ITEM-117: Two actions related to Submitting Applications to the Department of Housing and Urban Development for Designation of Federal Empowerment Zone and Renewal Community.

(City Heights, Southeastern San Diego, Barrio Logan, and Centre City Community Areas. Districts-2, 3, 4, 7 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-340)

Authorizing the City Manager to submit an application for Empowerment Zone Designation, and execute the necessary documents.

Subitem-B: (R-2002-341)

Authorizing the City Manager to submit an application for Renewal

Community Designation, and execute the necessary documents.

CITY MANAGER SUPPORTING INFORMATION:

In 1994, the Federal government designated 9 Empowerment Zones and 95 Enterprise Communities. An Empowerment Zone (EmZ) provided \$100 million in social service funding, employment tax credits, and tax exempt bond financing capacity; an Enterprise Community (EC) provided \$2.95 million in social service funds and limited tax exempt bond financing capacity. San Diego applied for the EmZ but instead received the EC designation. In 1998, an additional 15 EmZ's were authorized, and San Diego again applied for the designation but again was not successful. In late 2000, the Federal government authorized an additional 9 EmZ's, although without social service funding. In addition, a new program of 40 Renewal Communities was created.

A Renewal Community (RC) does not provide funding, but has tax incentives that encourage the sale and improvement of commercial properties. Based on a study prepared for the City by an accounting firm, the EmZ tax incentives are of limited value, but the EmZ's \$230 million in tax-exempt bond financing is valuable for large, job-creating private projects. In contrast, the RC provides incentives for the sale and improvement of older commercial properties, meshing well with City encouragement of small business investment through business improvement districts, storefront improvement grants, etc.

Designations for both the RC and EmZ are competitive, based on distress factors (poverty, unemployment, crime, and income level) in census tracts from the 1990 census. The area must have a continuous boundary, with an EmZ maximum population of 107,000 and RC maximum population of 200,000. Because of these factors, the EmZ application should be submitted for the existing EC area and the RC application for the same area plus additional census tracts with comparable distress factors. Proposed courses of action, as required in the applications, would be based on the City's existing Community and Economic Development Strategy.

Because of the competitive nature of the applications and San Diego's comparatively lower distress levels, both applications must be considered long shots. However, either designation would be valuable in furthering City revitalization goals. In addition to preparing the applications, Community and Economic Development Department will work closely with the Intergovernmental Relations Department in lobbying for the designations.

FISCAL IMPACT:

None with this action.

Herring/Cunningham/MDJ/RGG

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-118: Chollas Operation Yard New Gate and Driveway.

(Mid-City Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-273)

Authorizing the City Manager to expend \$33,020 from Water Fund 41500, CIP-75-931.0, Water Department Security Upgrades to reimburse CIP-52-477.0, College Grove Drive between 54th Street and College Grove Way, for the construction of the Chollas Operation Yard new gate and driveway;

Authorizing the reprogramming of Water Fund 41500, CIP-75-931.0, Water Department Security Upgrades (FY 2001), in the amount of \$33,020;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The College Grove Drive improvements Project consisted of the widening of College Grove Drive by the contractor named Sheidel Construction, Bid # K98085C, from two to four lanes between 54th Street and College Grove Way. The construction also provided curb, gutter, sidewalk, drainage, traffic signal, hardscape, landscape and irrigation improvements. The project was completed in September 2000. During construction of the project, the Water Department requested a change order to design and construct a new gate and driveway at the Chollas Operations yard. The Water Department is responsible for the funding of the design and construction of the new Chollas gate and driveway. This action is to authorize the expenditure of \$33,020 from the Water Fund, 41500 to reimburse CIP-52-477.0, College Grove Drive.

FISCAL IMPACT:

Funds for this action are available in the Water Operations Fund at 41500, CIP-75-931.0.

Loveland/Gardner/SM/TV

Aud. Cert. 2200101.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-119: Agreement for Purchase of Project Plans for the West Arcade in Balboa Park.

(Balboa Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-338)

Authorizing the City Manager to execute an agreement with the Committee of 100, for the purchase of project plans for the West Arcade in Balboa Park;

Authorizing the expenditure of an amount not to exceed \$100,000 from CIP-21-855.0, Balboa Park - West Arcade.

CITY MANAGER SUPPORTING INFORMATION:

The proposed West Arcade project is the last section of the Pardo arcades in Balboa Park, located on the northwest side of El Prado and adjacent to the Museum of Art sculpture garden. The original West Arcade was part of the Science and Education building built for the 1915 Pan Pacific Exposition. The arcade was torn down in the 1960's to make way for the new west wing of the Museum of Art. The Committee of 100, a non-profit organization formed in 1967 to save the remnants of the Spanish colonial architecture in the park, has taken on the rehabilitation of the arcades as one of their main goals. In 1992 the Committee of 100 raised the funds for the design and construction of the east arcade.

This year the Committee of 100 has set a goal to design and construct the West Arcade and present it to the City as a gift in 2003. The Committee of 100 has agreed to prepare the plans and the City will reimburse the Committee of 100 for the preparation of the plans. The funds for purchasing the plans will not be used for the construction of the project. The concept plan for the West Arcade has been recommended for approval by the Balboa Park Committee and the Design Review Committee to the Park and Recreation Board.

FISCAL IMPACT:

Funding in the amount of \$100,000 is available in CIP-21-855.0, Balboa Park - West Arcade. The source of the funding is from TOT.

Loveland/ McLatchy/DVW

Aud. Cert. 2200153.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

- * ITEM-120: Authorize Best Management Practices Implementation Support Agreement with Deloitte & Touche.

(See City Manager Report CMR-01-181.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-351)

Authorizing an agreement with Deloitte & Touche, LLP, to provide consulting services to the City with respect to the City's implementation of the Injury Tracking and Safety System project in its Risk Management Department;

Authorizing the expenditure of an amount not to exceed \$261,753 as follows: \$191,756 from Fund 50066 and \$69,997 from Fund 50061.

Aud. Cert. 2200225.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

- * ITEM-121: Second Amendment to Emcon/OWT Agreement for Mission Bay Landfill Regulatory Compliance.

(Mission Bay Park Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-151)

Authorizing the City Manager to execute a Second Amendment to Agreement with Emcon/OWT, for professional services required to respond to regulatory requirements by the Regional Water Quality Control Board and other regulatory agencies for a period of five years;

Authorizing the expenditure of an amount not to exceed \$200,000 for the project, provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for such expenditure are, or will be, on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

The proposed Second Amendment to the Agreement with Emcon/OWT will provide professional services for environmental monitoring programs at the Mission Bay Landfill. These programs require data analysis, report preparation and hydrogeologic assessments. They are required by the California Code of Regulations, Title 27 and the program is detailed in Waste Discharge Requirements by the Regional Water Quality Control Board Order 97-11.

The landfill is located in the Mission Bay Park planning area.

Emcon/OWT was awarded an agreement for the current level of testing for this site in 1995 and has since developed unique knowledge of the Mission Bay Landfill site conditions and history, and maintains a statistical database. Continued use of Emcon/OWT's database and expertise will eliminate duplication of effort by another consultant and assure lowest costs while maintaining regulatory compliance at this landfill site.

The original Agreement was authorized in October 1995, via City Manager Action (Document No. C-06599). The current First Amendment to the Agreement with Emcon/OWT was authorized in September 1998, via City Manager Action (Document No. C-08903).

The second amendment to this agreement will extend the contract an additional five years.

FISCAL IMPACT:

This Second Amendment to the Agreement provides compensation in accordance with an hourly fee schedule or negotiated lump sum. The amendment provides for a maximum fee of \$200,000 for a period of five years. Funds for water quality monitoring are an operational budget item (Refuse Disposal Enterprise Fund). Funds for water quality monitoring will not be encumbered or expended until such time as specific projects and funding are identified and the City Auditor first furnishes a certificate demonstrating that the funds necessary for such expenditure are, or will be, on deposit in the City Treasury.

The original agreement was for \$23,000. The first amendment was for \$80,000. This second amendment is for spending authority of \$200,000. The total is \$303,000.

Loveland/Hays/RF

Aud. Cert. 2200099.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-122: City of San Diego/MTDB Authority.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-345)

Authorizing the City Manager to execute a Joint Exercise of Powers Agreement with the San Diego Metropolitan Transit Development Board.

SUPPORTING INFORMATION:

A Joint Exercise of Power Agreement (the "Agreement") by and between the City of San Diego and the San Diego Metropolitan Transit Development Board ("MTDB") was entered into on September 28, 1987. This agreement established the City of San Diego/MTDB Authority (the "Authority") of the City of San Diego. The Authority is empowered by law to jointly exercise any powers common to the City and MTDB, and is also authorized to issue bonds and expend bond proceeds for any lawful purpose, including financing of certain capital improvements. The Authority is administered by a Board of Directors which currently consists of three directors: two members of the City Council and one member of MTDB's legislative body.

It is recommended that the representation on the Board of Directors be expanded to allow for greater public participation and oversight of the Authority's financing. It is specifically proposed that Section 7 of the Agreement be amended to have the two City representatives on the board be selected from the public at large rather than the City Council.

FISCAL IMPACT:

There is no fiscal impact associated with these actions.

Frazier/Devaney/KJS

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-123: Water and Sewer Group Job 464A - Contract Change Order Nos. 1 and 2.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-275)

Approving Change Order No. 1, dated March 28, 2001, with Southern California Underground Contractors, Inc. for the construction of Water and Sewer Group Job 464A (Contract), increasing the contract price by \$59,144.89;

Approving Change Order No. 2, dated March 28, 2001, issued in connection with the Contract, increasing the contract price by \$93,399.51;

Authorizing the expenditure of an amount not to exceed \$96,990 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, for Contract Change Order Nos. 1 and 2 and additional contingencies/costs associated with the Contract.

CITY MANAGER SUPPORTING INFORMATION:

Water and Sewer Group 464A is in the Centre City Community area and consists of constructing approximately 4,170 linear feet of new water main and 3,185 linear feet of sewer main.

Contract Change Order No. 1 is required due to the following: The Contractor encountered a previously unknown tunnel under Market Street which resulted in the extra cost of constructing two concrete masonry headwalls and the associated traffic control measures.

The Contractor also encountered buried railroad tracks which were not indicated on City records which damaged his equipment.

Contract Change Order No. 2 is required due to the following: Archaeological monitoring and services were needed in two locations outside the contract area. The City's archaeological staff directed monitoring to be done on Market Street following the discovery of a previously unknown tunnel and on 15th Street between K Street and Island Avenue where the existing sewer main was higher than records indicated, resulting in excavation within previously undisturbed soil.

Staff recognizes that Southern California Underground has been debarred, however, this change order is to pay Southern California Underground for work already performed.

FISCAL IMPACT:

The total estimated cost of this project is \$2,183,125 of which \$2,086,135 was previously authorized by City Council Resolution R-291864. Additional funding for this request of \$96,990 is available in Sewer Fund, CIP-44-001.0.

Loveland/Belock/HR

Aud. Cert. 2200115.

WWF-01-530.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

- * ITEM-124: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-280)

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-125: Supporting Legislation Adjusting Daylight Savings Time to Promote Energy Conservation.

(See City Manager Report CMR-01-142.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-225)

Supporting H.R. 704 and Section 204 of H.R. 1647 (legislation adjusting Daylight Savings Time to promote energy conservation), and directing the City's Federal lobbyist to communicate the City's position to the appropriate members of Congress.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 7/11/2001, RULES voted 5-0 to accept the City Manager's recommendation. (Councilmembers Wear, Atkins, Stevens, Madaffer and Mayor Murphy voted yea.)

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-126: Two actions related to Advertising for Bids for Sewer and Water Replacement Group 2000.

(See memorandum from Frank Belock dated 7/12/2001. Centre City, Uptown, Greater North Park, and Mountain View Neighborhood Community Areas. Districts-2, 3, and 4.)

TODAY'S ACTIONS ARE:

Adoption of the following resolutions:

Subitem-A: (R-2002-344)

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Sewer and Water Replacement Group 2000 on Work Order Nos. 175351A, 184961A, 174801A, 184171A, 173921A, 173881A, and 184061A;

Establishing contract funding phases and executing a contract with the lowest responsible bidder for the Construction of Sewer and Water Replacement Group 2000, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$1,923,933 from Sewer Fund 41506, CIP-46-215.0, Annual Allocation - Infrastructure Upgrade and Replacement to Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, for the Construction of Sewer Replacement Group 632;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$30,555 from CDBG Fund 18536, Dept. 4225, Org. 2501 and Job Order 000001 to Sewer Fund 41506, CIP-44-001.0 - Sewer Main Replacement, and authorizing the transfer of an amount not to exceed \$6,945 from CDBG Fund 18536, Dept. 4225, Org. 2501 and Job Order 000001 to Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, exclusively for the construction of pedestrian ramps;

Authorizing the expenditure of an amount not to exceed \$2,351,314 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, and an amount not to exceed \$111,145 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, for the construction of Sewer and Water Group 699;

Authorizing the expenditure of an amount not to exceed \$3,948,451 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, and authorizing the expenditure of an amount not to exceed \$545,639 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water

Replacement, for the construction of Sewer and Water Group 690;

Authorizing the expenditure of an amount not to exceed \$2,540,919 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, for the construction of Sewer Replacement Group 632;

Authorizing the expenditure of an amount not to exceed \$1,928,415 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, for the construction of Sewer Replacement Group 633;

Authorizing the expenditure of an amount not to exceed \$1,536,245 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, for the construction of Water Group 537;

Authorizing the use of City forces in the amount of \$140,110 for additional construction services related to the project;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K02019C.)

Subitem-B: (R-2002-346)

Certifying that LDR Mitigated Negative Declaration Nos. 40-0793 (dated 2/9/2001), 40-0903 (dated 1/22/2001), 40-0309 (dated 7/19/2000), 40-1063 (dated 3/12/2001) and 41-0302 (dated July 31, 2001) have been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines, that the declarations reflect the independent judgment of the City of San Diego as Lead Agency and that the information contained in the reports, together with any comments received during the public review process, have been reviewed and considered by Council in connection with the approval of Sewer and Water Replacement Group 2000;

Declaring that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Studies; and approving LDR Mitigated Negative Declaration;

Declaring that pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Programs, or alterations to implement the changes to the project as required in order to mitigate or avoid significant effects on the environment;

Directing the City Clerk to file a Notice of Determination (NOD) with the County of San Diego.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/18/2001, NR&C voted 4 to 0 to approve with direction on Group Job 667 to closely coordinate with the community on drainage and run-off issues between Adair Street and Hill Street; on Group Job 516, inform the Ocean Beach community on all pending projects and time lines; and on Barnett Avenue Trunk Sewer coordinate with redevelopment staff on a proposal to narrow Enterprise Street. (Councilmembers Peters, Wear, Frye and Madaffer voted yea. Councilmember Inzunza not present.)

CITY MANAGER SUPPORTING INFORMATION:

Sewer and Water Replacement Group 2000 is part of the City of San Diego's continuing Annual Sewer and Water Main Replacement Program. This project consists of five sewer and water group jobs that are located in various parts of the City. This project includes replacement and rehabilitation of approximately 45,750 feet (8.7 miles) of 6, 8, 10-inch old and deteriorated sewer mains; abandoning 8,500 feet of 6-inch sewer in easements to be relocated in the public right-of-way; and replacement of 7,680 feet (1.45 miles) of 6, 8, 12, 16-inch water mains. This project includes the construction of 163 pedestrian ramps and repaving and slurry sealing of the impacted streets. The streets affected by construction operations within this project are: Upas Street, Georgia Street, Alabama Street, Robinson Avenue, Park Boulevard, Myrtle Street, Mississippi Street, Louisiana Street, Normal Street, El Cajon Boulevard, Polk Avenue, University Avenue, Bush Street, Pennsylvania Avenue, Redwood Street, Ocean view Boulevard, 40th Street, Hemlock Street, Teak Street, T Street, 38th Street, 37th Street, 36th Street, 35th Street, 16th Street, 13th Street, 10th Avenue and 11th Avenue. Traffic control plans have been prepared for this project and will be implemented during the construction operations. There will be night work at or near the intersection of El Cajon Boulevard and Park Boulevard. Residents will be notified by mail at least (1) one month before construction begins by the City's Engineering and Capital Projects Department and again (10) ten days before construction begins by the contractor through hand distribution of notices.

FISCAL IMPACT:

The total estimated cost of these projects is \$12,962,128. Funding of \$10,769,099 is available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, and \$2,193,029 is available in Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement. Included in the total cost estimate is \$1,752,527 for Engineering; \$10,498,728 for construction; \$25,000 for Professional Services; \$20,000 for Land Acquisition; \$525,763 for Contingencies and related costs; \$140,110 for City forces to perform operational checks. These projects will be phase funded.

Loveland/Belock/HR

WWF-02-540.

ADOPTION AGENDA, CONSENT ITEMS RESOLUTIONS:

- * ITEM-127: Two actions related to Approving the Plans and Specifications and Inviting Bids for the Construction of Sewer and Water Group 677.

(See Frank Belock's memo dated July 12, 2001.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-191)

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Sewer and Water Group 677 on Work Order No. 174351;

Authorizing the City Manager to execute a contract with the lowest responsible bidder;

Authorizing the expenditure of an amount not to exceed \$1,783,999 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation, Sewer Main Replacement, and an amount not to exceed \$164,623 from Water Fund 41500, CIP-73-083.0, Annual Allocation, Water Main Replacement, for providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K02018C)

Subitem-B: (R-2002-192)

Certifying that the information contained in LDR Mitigated Negative Declaration LDR-40-0904, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that the Declaration reflects the independent judgement of the City as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council in connection with the approval of Sewer and Water Group 677;

Declaring that the Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and approving the LDR Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/18/2001, NR&C voted 4-0 to approve with direction on Group Job 667 to closely coordinate with the community on drainage and run-off issues between Adair Street and Hill Street, on Group Job 516 inform the Ocean Beach community on all pending projects and time lines, and on Barrett Avenue Trunk Sewer coordinate with redevelopment staff on a proposal to narrow Enterprise Street. (Councilmembers Peters, Wear, Frye, and Madaffer voted yea. Councilmember Inzunza not present.)

CITY MANAGER SUPPORTING INFORMATION:

Sewer and Water Replacement Group 677 is part of the City of San Diego's continuing Annual Sewer and Water Main Replacement Program. This project is in the Peninsula community area and consists of replacing approximately 8,810 feet (1.7 miles) of 6-inch and 8-inch sewer main and 410 feet (.08 miles) of 6-inch water main. Also, this project includes the construction of 17 pedestrian ramps and re-paving or slurry sealing of the impacted streets. The streets affected by construction operation within this project are: Gage Drive, Gage Lane, Tavera Place, La Crescentia Drive, San Gorgonio Street, McCall Street, San Elijo Street, Lawrence Street, Kellogg Street, Rosecrans Street, and San Antonio Avenue. Residents will be notified by mail at least one month before construction begins by the City's Engineering and Capital Projects Department and again 10 days before construction begins by the contractor through hand distribution.

FISCAL IMPACT:

The total estimated cost of this project is \$1,948,622. Funding of \$1,783,999 will be available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement and \$164,623 in Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement for this purpose. Included in the total cost estimate is \$30,225 for City Forces to make connections and perform operational checks. This project will be phase-funded.

Loveland/Belock/HR

WWF-01-510.

ADOPTION AGENDA, CONSENT ITEMS RESOLUTIONS:

* ITEM-128: Storefront Improvement Rebate Program Council Policy.

(See City Manager Report CMR-01-102 and memorandum from Community and Economic Development dated 7/31/2001.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-1719)

Establishing Council Policy No. 900-17 regarding the Storefront Improvement Rebate Program.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:**

On 5/23/2001, PS&NS voted 4 to 0 to approve the City Manager's Report. (Councilmembers Atkins, Stevens, Maienschein, and Inzunza voted yea.)

NOTE: Since approval, the Council Policy discussed in City Manager's Report CMR-01-102 has been modified. The Small Business Advisory Board recommends the following changes.

The Fee provision will be changed to read: **The applicant will be required to pay a refundable deposit to try and ensure the applicants commitment to the completion of the project.**

A statement: **The City will have the discretion to waive the deposit on any historic project** will be added.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-129: Amending the Business Improvement Districts Council Policy No. 900-07.

(See City Manager Report CMR-01-103.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-1655)

Amending Council Policy No. 900-07 regarding Business Improvement Districts.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:**

On 5/23/2001, PS&NS voted 4 to 0 to approve the City Manager's Report. (Councilmembers Atkins, Stevens, Maienschein, and Inzunza voted yea.)

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-130: Formal Offer of Extension of Emergency Medical Services (EMS) Agreements.

(See City Manager Report CMR-01-176 and the report from the City Attorney dated 7/23/2001.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-308)

Extending the agreements for paramedic services (the EMS Agreements), between the City of San Diego, Rural/Metro of San Diego, Inc., Rural/Metro Corporation, and San Diego Medical Services Enterprise, LLC (SDMSE), for a three-year period commencing July 1, 2002, pursuant to Article II, Section 2.2 of the First Amended Emergency Medical Services Agreement between the City and SDMSE;

Directing the City Manager to finalize the contract language to extend the EMS Agreements and return to the Public Safety and Neighborhood Services Committee of the City Council with final agreements for review by the Committee and subsequent approval by the City Council.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S RECOMMENDATION:

On 8/8/2001, PS&NS voted 5 to 0 to approve the continuation of paramedic services provided by San Diego Medical Services Enterprise, LLC by formally extending an offer of extension to the current Emergency Medical Services (EMS) Agreements. Direct the City Manager to finalize contract language to extend the EMS Agreements associated with the provision of paramedic services and return to Public Safety and Neighborhood Services Committee with final agreement language. (Councilmembers Atkins, Stevens, Maienschein, Frye, and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

This item was heard by the Public Safety and Neighborhood Services (PS&NS) Committee on August 8, 2001. The motion of the PS&NS Committee was to:

1. Approve the recommendations of City Manager's Report CMR-01-176.

A. To continue paramedic services provided by San Diego Medical Services Enterprises, LLC by formally extending an offer of extension to the current Emergency Medical Services agreements.

B. To direct the City Manager to finalize contract language to extend the Emergency Medical Services agreements associated with the provision of paramedic services and return to Public Safety & Neighborhood Services Committee with final agreement language.

2. Approve the Clarification of Scope of Permitted Business in the City of San Diego's agreement which formed San Diego Medical Services Enterprises, L.L.C., as proposed in the memorandum from Deputy City Attorney Theresa McAteer dated July 23, 2001.

3. Direct the City Manager to incorporate, as a priority item, in the San Diego Fire & Life Safety Services (FLSS) FY 2003 Budget Request the costs of enhanced services described in the Manager's Report CMR-01-176 as "Staffing of 2 + 2 Ambulances."

4. Request the Rules Committee consider the addition of the issue of Emergency Medical Services (EMS) Medicare Fee Schedule and Reductions in Reimbursements to the City's federal legislative agenda.

Ewell/Lexin/PHN

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-131: Amendment to the First Amended and Restated LLC Operating Agreement between the City and Rural/Metro of San Diego, Inc.

(See the City Attorney Report dated 7/23/2001.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-325)

Amending the First Amended and Restated LLC Operating Agreement between the City and Rural/Metro of San Diego, Inc., by adding the following section as Section 2.1(b):

(b) To enter into contracts to provide emergency medical and medical transportation services (including 9-1-1 response and transport) to other jurisdictions within the County, provided that the company's performance of such other contracts: (i) does not diminish the quality of EMS/MTS services to the City, and (ii) does not adversely affect the financial condition of the Company or its members.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S RECOMMENDATION:

On 8/8/2001, PS&NS voted 5 to 0 to amend the First Amended and Restated LLC Operating Agreements between the City of San Diego and Rural/Metro of San Diego, Inc., to clarify the scope of permitted businesses in which the LLC may engage. (Councilmembers Atkins, Stevens, Maienschein, and Inzunza voted yea.)

SUPPORTING INFORMATION:

At the Public Safety and Neighborhood Services Committee meeting of August 8, 2001, the Committee voted to approve an amendment to the First Amended and Restated LLC Operating Agreement between the City and Rural/Metro of San Diego, Inc., to add a new section 2.1(b) to read as follows:

(b) To enter into contracts to provide emergency medical and medical transportation services (including 9-1-1 response and transport) to other jurisdictions within the County, provided that the company's performance of such other contracts: (i) does not diminish the quality of EMS/MTS services to the City, and (ii) does not adversely affect the financial condition of the Company or its members.

Ewell/McAteer

ADOPTION AGENDA, CONSENT ITEMS RESOLUTIONS:

* ITEM-132: Two actions related to Energy Conservation and Management.

(See City Manager Report CMR-01-175.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2002-294)

Authorizing the City Manager to execute an agreement with San Diego Gas & Electric Company for the electronic data interchange and transfer of funds in connection with the City's monthly energy bills, as set forth in detail in City Manager Report CMR-01-175.

Subitem-B: (R-2002-293)

Authorizing the City Manager to participate in the San Diego Regional Energy Infrastructure Study in partnership with the San Diego Regional Energy Office, the County of San Diego, the San Diego County Water Authority, the San Diego Association of Governments, the Utility Consumers Action Network, the Port of San Diego, and other governmental agencies to conduct a

comprehensive study of the need for regional energy infrastructure and guide public policy development of a long-term regional energy strategy, as set forth in detail in City Manager Report CMR-01-175;

Authorizing the expenditure of an amount not to exceed \$75,000 from Fund No. 10231 to provide funds for the above study, representing the City's proportional share of the funding.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 8/8/2001, RULES voted 4-0 to authorize the City Manager to participate in a San Diego Regional Energy infrastructure Study and provide proportional funding not to exceed \$75,000; and to authorize the City Manager to enter into an Electronic Data Interchange (EDI) and Funds Transfer Agreement with San Diego Gas & Electric Company for electronic receipt of bills and future electronic payment capabilities. (Councilmembers Atkins, Stevens, Madaffer and Mayor Murphy voted yea. Councilmember Wear not present.)

Aud. Cert. 2200214.

**ADOPTION AGENDA, DISCUSSION, HEARINGS
SPECIAL HEARINGS:**

ITEM-150: Two actions related to Sewer Main Cleaning Services.

(See City Manager Report CMR-01-180; Response to Tecolote Canyon Spill; George Loveland's memo dated 4/13/2001; NR&C Chair Madaffer's memos dated 7/17/2001, 3/28/2001 and 3/5/2001.)

TODAY'S ACTIONS ARE:

Adopt the resolution in Subitem A and hold the first public hearing of the ordinance in Subitem B:

Subitem-A: (R-2002-324)

Authorizing the City Manager to invite bids for up to four separate private sewer cleaning contracts, in a total amount not to exceed \$2,100,000;

Authorizing the City Manager to execute contracts with the lowest responsible bidders;

Authorizing the City Auditor and Comptroller to transfer \$4,295,000 from the Sewer Revenue Fund Unallocated Reserve (Fund No. 41509, Dept. 777, Org. 445, Object Account 4903) as follows:

\$2,100,000 to Fund No. 41506, Wastewater Collection Division, Dept. 773, Org. 220, Object Account 4222, to fund the contracts;

\$1,020,000 to Fund No. 41506, Dept. 773, Org. 220, Object Account 1100, to fund additional half-year limited positions; and

\$1,175,000 to Fund No. 41506, Dept. 773, Org. 220, Object Account 6013, to fund additional equipment outlay.

Subitem-B: (O-2002-27)

First public hearing of an Ordinance amending Ordinance O-18964 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 2001-2002 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year," by increasing the Metropolitan Wastewater Department budget by 38 positions.

NOTE: This item requires two public hearings pursuant to the City Charter. Today's action is the first public hearing. The second public hearing and introduction and adoption of the ordinance will be on Tuesday, September 11, 2001.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/18/2001, NR&C voted 5-0 to accept the report and direct the City Manager to: a) Research metering devices and report back to the Natural Resources and Culture Committee on the issues, b) immediately shift City crews from the right-of-way to maintain the canyons on a high priority while working on a blended maintenance effort of contractors and City work crews, and c) provide the Mayor and Council a map of high grease prone areas by Council District and grease prevention kits for distribution in the community. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

Aud. Cert. 2200217.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS

**COMMITTEE ON RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS,
ORDINANCES TO BE INTRODUCED:**

ITEM-151: Proposed Changes to the Permanent Rules of Council - Rule 1 (d) and Rule 3 of the San Diego Municipal Code Section 22.0101.

(See Memorandum from Councilmember Inzunza dated 7/24/2001;
Memorandum from the City Clerk dated 7/23/2001; Letter from James
Varnadore dated 7/20/2001.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2002-23)

Introduction of an Ordinance amending Chapter 2, Article 2, Division 1, of the San Diego Municipal Code by amending Section 22.0101 relating to the Permanent Rules of the Council, as follows:

- a) State that the Monday and Tuesday sessions are a single meeting;
- b) Subject to the exercise of the Mayor's discretion for a given agenda, Non-Agenda Public Comment shall be docketed for 10:00 a.m. on the Tuesday morning portion of the agenda;
- c) Change "docket" to "agenda" in the Permanent Rules of Council.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 7/25/2001, RULES voted 5 to 0 to amend the Permanent Rules to: a) State that the Monday and Tuesday sessions are a single meeting; and b) Put Non-Agenda public comment on Tuesdays at 10:00 a.m., subject to the Chair's discretion. Councilmembers Wear, Atkins, Stevens, Madaffer and Mayor voted yea.

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
ORDINANCES TO BE INTRODUCED:**

ITEM-200: Ordinance Prohibiting Glass Beverage Containers Within Qualcomm Stadium Parking Facility.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2002-26)

Introduction of an Ordinance amending Chapter 5, Article 9, Division 1, of the San Diego Municipal Code by Amending section 59.0101 relating to Activities Prohibited within the Qualcomm Stadium Parking Facility.

CITY MANAGER SUPPORTING INFORMATION:

Many people tailgating at Qualcomm Stadium bring glass beverage containers into the parking lot. In recent years, it seems that glass bottles are replacing aluminum cans as the container of choice for beer. People normally do not use the trash or recycling receptacles to dispose of them and just leave them all over the lot. This results in the following problems:

1. Vehicle tires are frequently damaged (customers and Stadium maintenance) when they drive over the glass to exit the lot;
2. People stepping on broken bottles;
3. Clean up of the lot is more time consuming and costly;
4. Glass bottles are not as attractive as aluminum cans for recycling, thus they become trash which is an additional expense and reduces the landfill capacity; and
5. The most urgent concern is that bottles are often used as weapons. Disturbances involving bottle throwing in the lot are not uncommon. There have been several serious head and facial injuries caused by bottles in the past few years.

Therefore, because of the above problems, it is proposed that a subsection be added to the existing Stadium Parking Facility Ordinance that would generally ban glass beverage containers in the lot. It would allow for Stadium Management to issue permits for controlled events where glass beverage containers would be permitted.

The proposed ordinance would not prohibit the drinking of alcohol in the parking lot or tailgating activities. It is only restricting the bringing in of glass beverage containers in order to alleviate the problems and possible liability caused by glass bottles.

Enforcement of this ordinance as with other prohibited activities in the parking lot, i.e. throwing balls, skateboarding, etc. will be done by the Police Department and enforced in the same manner. Verbal warnings will be issued before any citation is issued. It is expected that good publicity and signage would result in people complying.

The proposed ordinance is supported by the San Diego Chargers, San Diego Padres, San Diego State University and Holiday Bowl. The Qualcomm Stadium Advisory Board at their July 26, 2001 meeting unanimously recommended approval of the ordinance.

FISCAL IMPACT: None.

Herring/Wilson/SMS

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
ORDINANCES TO BE INTRODUCED:

ITEM-201: Five actions related to Dedicating Cabrillo Park North Mini-Park, Cabrillo Park South Mini-Park, Camino Ruiz Park, Plumosa Park, Starkey Mini-Park as Public Parks.

(Peninsula, Mira Mesa, and La Jolla Community Areas. Districts-1, 2, and 5.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinances:

Subitem-A: (O-2001-160)

Introduction of an Ordinance setting aside and dedicating City-owned land, known as “Cabrillo Park North Mini-Park” in the City of San Diego, California, for a public park.

Subitem-B: (O-2001-161)

Introduction of an Ordinance setting aside and dedicating City-owned land, known as “Cabrillo Park South Mini-Park” in the City of San Diego, California, for a public park.

Subitem-C: (O-2001-162)

Introduction of an Ordinance setting aside and dedicating City-owned land, known as “Camino Ruiz Park” in the City of San Diego, California, for a public park.

Subitem-D: (O-2001-163)

Introduction of an Ordinance setting aside and dedicating City-owned land, known as “Plumosa Park” in the City of San Diego, California, for a public park.

Subitem-E: (O-2001-164)

Introduction of an Ordinance setting aside and dedicating City-owned land, known as “Starkey Mini-Park” in the City of San Diego, California, for a public park.

CITY MANAGER SUPPORTING INFORMATION:

City Charter Section 55 mandates protection of dedicated parks, open space and cemeteries, against any use other than for park and recreation and cemetery purposes without a two-thirds vote of the qualified electorate.

Council Policy 700-17, "Policy on Dedication and Designation of Park Lands", mandates that all land acquired for resource-based, or population-based park and recreation purposes shall be dedicated by ordinance pursuant to Section 55 of the City Charter. The Council Policy outlines the process for dedication or designation of park and open space lands, and the criteria by which land should be considered for dedication or designation. Specifically, the following affirmative conditions must exist prior to dedication of parkland:

- 1) The Park Service District appears to contain no other alternative park site to satisfy population-based park requirements;
- 2) The population has reached the population minimum stated in the City's Progress Guide and General Plan; and

- 3) The Park and Recreation Board, City Manager and/or City Council determine that there are no unusual circumstances which indicate dedication consideration should be deferred.

The following list of proposed park sites meets the criteria for Park Dedication.

In accordance with Charter Section 55 and Council Policy 700-17, the Park and Recreation Board has reviewed the City's inventory of park lands to determine which parks meet the requirements for dedication. The subject five (5) parks meet these requirements and have been recommended by the Park and Recreation Board for dedication. Included are parks never before dedicated, as well as additions to existing dedicated parks. These parks are, as follows:

- Cotmcil District 1: Starkey Mini-Park (Dedicating portion of street to enlarge dedicated portion of park.)
- Council District 2: Cabrillo Park North, Cabrillo Park South and Plumosa Park (Not previously eligible for dedication due to previous ownership restrictions.)
- Council District 5: Camino Ruiz Park (New Acquisition; deed received February 17, 2000.)

This action does not name the parks to permit flexibility in naming and changing the names in the future. However, the names by which we will refer to these facilities are included in parentheses on the lists contained in Exhibit "A".

FISCAL IMPACT:

None. This action is concerned only with dedicating City park land.

Loveland/McLatchy/DVW

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
ORDINANCES TO BE INTRODUCED:**

ITEM-202: Dedicating Ashley Falls Neighborhood Park, Cypress Canyon Neighborhood Park, Torrey Hills Neighborhood Park and 32nd Street Mini Park, as Public Parks.

(Carmel Valley, Scripps Ranch, and North Park Community Areas. Districts- 1, 3, and 5.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2001-154)

Introduction of an Ordinance setting aside and dedicating City-owned land, known as “Ashley Falls Neighborhood Park, Cypress Canyon Neighborhood Park, Torrey Hills Neighborhood Park and 32nd Street Mini Park” for Public Parks.

CITY MANAGER SUPPORTING INFORMATION:

City Charter Section 55 mandates protection of dedicated park, recreation, and cemetery lands against any use other than for park, recreation and cemetery purposes without a two-thirds vote of the qualified electorate. Council Policy 700-17, "Policy on Dedication and Designation of Park Lands," mandates that all land acquired for resource-based, or population-based park and recreation purposes shall be dedicated by ordinance pursuant to Section 55 of the City Charter . The Council Policy outlines the process for dedication or designation of park and open space lands, and the criteria by which land should be considered for dedication or designation. Specifically, the following affirmative conditions must exist prior to dedication of parkland:

- 1) The Park Service District appears to contain no other alternative park site;
- 2) The population has reached the population minimum stated in the City's Progress Guide and General Plan; and
- 3) The Park and Recreation Board, City Manager and/or City Council determine that there are no unusual circumstances which indicate dedication consideration should be deferred.

In accordance with Charter Section 55 and Council Policy 700-17, the Park and Recreation Board has reviewed the City's inventory of park lands to determine which parks meet the requirements for dedication. The subject four (4) parks meet these requirements and have been recommended by the Park and Recreation Board for dedication. Included are parks never before dedicated, as well as additions to existing dedicated parks. These parks are as follows:

Council District 1: Ashley Falls Neighborhood Park
Torrey Hills Neighborhood Park

Council District 3: 32nd Street Mini Park

Council District 5: Cypress Canyon Neighborhood Park

This action does not name the parks to permit flexibility in naming and changing the names in the future. However, the names by which we will refer to these facilities are included in parentheses on the lists contained in Exhibit “A”.

FISCAL IMPACT:

None. This action is concerned only with dedicating City park lands.

ADOPTION AGENDA, DISCUSSION, HEARINGS
SPECIAL HEARINGS:

ITEM-203: Two actions related to Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

- Subitem-A: Property: An approximate 4.92 acre portion of the 38 acre San Diego Sports Arena site (APN-441-590-04).
- Agency Negotiator: Real Estate Assets Director.
- Negotiating Parties: Arena Group 2000 as operator of the San Diego Sports Arena.
- Under Negotiation: Terms of New Ground Lease Agreement for three (3) pad sites to be used by retail subtenants.
- Subitem-B: Property: Peninsula YMCA (APN-449-110-09).
- Agency Negotiator: Real Estate Assets Director.
- Negotiating Parties: YMCA
- Under Negotiation: Lease extension terms (APN-449-110-09).

Prior to Council discussion in Closed Session and in compliance with the Brown Act (California Government Code Section 54956.8), this issue is listed on the docket **only** for public testimony.

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on these subjects; 2) Conclude and close the public hearing; and 3) Refer the matters to Closed Session on September 11, 2001.

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who then shall transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the March 5, 2002 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	9/14/2001	127	LAST DATE (10:00 a.m.) for public to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	9/26/2001	160	Rules Committee Review
Tuesday	10/23/2001	133	LAST DATE for City Manager, department or other public agency to submit ballot proposals to City Clerk for placement on Council Docket
Monday	10/29/2001	127	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	11/05/2001	120	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Tuesday	11/20/2001	105	
Monday	11/26/2001	99	Council adopts ordinances prepared by City Attorney
Friday	12/07/2001	88	Last day for City Clerk to file with Registrar of Voters all election material
Thursday	12/20/2001	75	Last day to file ballot arguments with City

Clerk

If you have any questions, please contact the Office of the City Clerk, at 533-4025.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-251: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivision:

SUBDIVISION

Mission City Unit 3
Torrey View

COMMUNITY AREA

Mission Valley Community
Sorrento Hills Community

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director of Development Services or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-252: Notice of Pending Final Map Approval.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on those certain final maps entitled "Mesa Verde Estates Unit 2," "Schotz Estates" and "Black Mountain Ranch Unit No. 4," copies of which are available for public viewing at the office of the San Diego City Clerk. Specifically, the City Engineer has caused the maps to be examined and has made the following findings:

(1)The maps substantially conform to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.

(2) The maps comply with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The maps are technically correct.

Said maps will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the map approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-253: **Notice** of Pending Final Map Approval for “Silver Oaks Estates” (T.M. 98-0423) and “54th Place at Orange Avenue” (T.M. 99-0322).

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Silver Oaks Estates” (T.M. 98-0423) and “54th Place at Orange Avenue” (T.M. 99-0322), a copy of which is available for public viewing at the office of the San Diego City Clerk. Specifically, the City Engineer has caused the maps to be examined and has made the following findings:

(1) The maps substantially conform to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.

(2) The maps comply with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The maps are technically correct.

Said maps will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the map approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEMS PULLED FROM CONSENT AGENDA

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT



THE CITY OF SAN DIEGO **MANAGER'S REPORT**

DATE ISSUED: September 5, 2001

REPORT NO. 01-177

ATTENTION: Honorable Mayor and City Council
Docket of September 10, 2001

SUBJECT: Expansion of Residential Permit Parking Area B

SUMMARY

Issue - Should the City expand existing Permit Parking Area B to include portions of Prosperity Lane and Catoctin Drive?

Manager's Recommendation -

1. Add the 5300 block of Prosperity Lane to Residential Permit Parking Area B.
2. Add the west side of the 5000 block of Catoctin Drive in it's entirety to Residential Permit Parking Area B.
3. Add the east side of the 5000 block of Catoctin Drive between the southerly property line of 5015 Catoctin Drive and the intersection of Catoctin Drive and Saranac Street.

Other Recommendation - The College Area Community Council (CACC) recommends the inclusion of both Prosperity Lane and Catoctin Drive to Residential Permit Parking Area B.

Fiscal Impact - Estimated annual revenue of \$728 due to an increase of Residential Parking Permit sales.

BACKGROUND

In December 1977, the Council amended the Municipal Code to include Division 20, "Residential Permit Parking Program." Subsequently, two Residential Permit Parking Districts were established, one in the vicinity of University Hospital (Area A), and the other in the vicinity of San Diego State University (Area B). Area B has been expanded twice, following the existing

procedures outlined in Sections 86.2006 and 86.2007, Division 20 of the San Diego Municipal Code. Petitions have been received from residents on Prosperity Lane and Catoctin Drive requesting inclusion in Residential Permit Parking Area B.

DISCUSSION

Sections 86.2006 and 86.2007 allow for the designation of Residential Permit Parking Districts as follows:

§86.2006 Designation Process

- (a) Upon receipt of a verified petition by residents of at least 50% of the living units in the area proposed for designation, the City Manager or his designee shall undertake or cause to be undertaken such surveys or studies as are deemed necessary to determine whether a residential area is eligible for residential permit parking. Such survey or studies shall be completed within 90 days of receipt of a petition calling for such surveys or studies to be undertaken, unless otherwise provided by the City Council.
- (b) Within thirty days of the completion of surveys and studies to determine whether designation criteria are met, the City Manager or his designee shall notice as herein provided a public hearing or hearings in or as close to the neighborhood as possible on the subject of the eligibility of the residential area under consideration for residential permit parking. Said hearing or hearings shall also be conducted for the purpose of ascertaining boundaries for the proposed residential permit parking area as well as the appropriate time limitation on parking and the period of the day for its application.

The City Clerk shall cause notice of such hearing or hearings to be published twice in a newspaper of general circulation printed and published in this city. The first publication shall not be less than ten days prior to the date of such hearing.

The City Manager or his designee shall direct the Superintendent of Streets to, and such Superintendent shall cause notice of such hearing to be conspicuously posted in the proposed residential permit parking area.

The notice shall clearly state the purpose of the hearing, the location and boundaries tentatively considered for the proposed residential permit parking area and, if applicable, the permit fee to be charged therefor. During such hearing or hearings, and interested person shall be entitled to appear and be

heard, subject to appropriate rules of order adopted by the City Manager or his designee.

§86.2007 Recommendation of the City Manager

- (a) Within sixty days of the completion of the hearing or hearings conducted with regard to a particular residential area, the City Manager shall recommend by written report to the City Council, based on the record of such hearing or hearings and the surveys and studies performed, whether to designate the residential area under consideration as a residential permit parking area.
- (b) In the report of the City Manager, he shall set forth the evidence generated as a result of surveys and studies performed, significant subjects and concerns raised at the public hearing or hearings conducted, the findings relative to those designation criteria listed in Section 86.2005 deemed applicable to the residential parking for that particular area, the proposed boundaries of the residential permit parking area, a proposed time limitation and period of the day for its application.
- (c) The designation process and designation criteria set forth in this Division shall also be utilized by the City Manager and the City Council in determining whether to remove designation as a residential permit parking area from a particular residential area.

Petitions were received from the 5300-block of Prosperity Lane (between Defiance Way and Faber Way) and from the 5000-block of Catoctin Drive (between Montezuma Road and Saranac Street). The Prosperity Lane petition was signed by 82% of the residents (9 of 11 residences); the Catoctin Drive petition was signed by 60% of the residents (9 of 15 residences).

Parking usage, license plate, and occupancy studies were conducted on these blocks. The 5300-block of Prosperity Lane and the 5000-block of Catoctin Drive were studied between 0900 and 1800 hours on Saturday, October 10, 2000, and on Tuesday, October 24, 2000. As a result of these studies, it was determined that the average weekday percent of parking capacity used was 35% on Prosperity Lane, and 90% on Catoctin Drive.

Section 86.2003 of Division 20 defines “commuter vehicle” and “resident vehicle” as follows:

§86.2003 Definitions

- (b) “Commuter vehicle” shall mean a motor vehicle parked in a residential area in which it is not registered with the State of California Department of Motor Vehicles;

- (c) “Resident vehicle” shall mean a motor vehicle parked in a residential area in which it is registered with the State of California Department of Motor Vehicles;

Based upon these definitions, and using vehicle registration information from the Department of Motor Vehicles, it was determined that 69% of the weekday parkers on Prosperity Lane were commuter vehicles, and that 100% of the weekday parkers on Catoctin Drive were commuter vehicles.

Section 86.2005(b) of Division 20 sets forth the following criteria for designating an area for Residential Permit Parking:

§86.2005 Designation Criteria

- (b) In determining whether a residential area identified as eligible for residential permit parking may be designated as a residential permit parking area, the City Manager and the City Council shall take into account factors which include but are not limited to the following:
 - (1) The extent of the desire and need of the residents for residential permit parking and their willingness to bear the administrative costs in connection therewith;
 - (2) The extent to which legal on-street parking spaces are occupied by motor vehicles during the period proposed for parking restriction;
 - (3) The extent to which vehicles parking in the area during the period proposed for parking restriction are commuter vehicles rather than resident vehicles; and
 - (4) The extent to which motor vehicles registered to persons residing in the residential area cannot be accommodated by the number of off-street parking spaces.

Prosperity Lane meets criteria (1) and (3) above, having 82% of residences represented on the petition, and having 69% of parked vehicles identified as commuter vehicles under the definition in Division 20. Catoctin Drive meets criteria (1), (2), and (3) above, having 60% of residences represented on the petition, having an occupancy rate of 90% of capacity, and having 100% of parked vehicles identified as commuter vehicles under the definition in Division 20. Neither area meets criterion (4). There is, however, considerable community support for the inclusion of these two blocks in Residential Permit Parking Area B: at its June 14, 2001 meeting, the College Area Community Council voted to approve this expansion of Area B.

CONCLUSION

A public hearing was held on June 14, 2001 at the College Area Community Council. Public input was taken and the College Area Community Council voted to add the segments of Prosperity Lane and Catoctin Drive to the Residential Permit Parking Area B.

ALTERNATIVES

1. Do not add Prosperity Lane to Residential Permit Parking Area B. This is not recommended because this segment is impacted by commuter parking generated by the SDSU campus.
2. Do not add Catoctin Drive to Residential Permit Parking Area B. This is not recommended because this segment is impacted by parking generated by SDSU resident students.

OTHER ALTERNATIVES

Install time-limit (2-hour) parking on Prosperity Lane and Catoctin Drive. This is not recommended because of the impact of this type of parking restriction on the residents fronting these streets.

Respectfully submitted,

D. Cruz Gonzalez
Director, Transportation

Approved: George I. Loveland
Senior Deputy City Manager

LOVELAND/AH

Note: The attachment is not available in the electronic format. A copy is available for review in the office of the City Clerk.

Attachment: Map of Residential Permit Parking Area B



THE CITY OF SAN DIEGO **MANAGER'S REPORT**

DATE ISSUED: September 5, 2001 REPORT NO. 01-181

ATTENTION: Honorable Mayor and City Council
Docket of September 10, 2001

SUBJECT: Best Management Practices Implementation Contract for the Injury
Tracking and Safety System (ITSS) Project

SUMMARY

Issue - Should the City Council authorize the City Manager to enter into an agreement with Deloitte & Touche L.L.P. to assist the City with the implementation and integration of best management practices in conjunction with a "Commercial Off The Shelf" (COTS) software package in the areas of Workers' Compensation, Safety and Long Term Disability?

Manager's Recommendation - Authorize the City Manager to execute the agreement with Deloitte & Touche.

Other Recommendations - None.

Fiscal Impact -\$261,753

BACKGROUND

In the fall of 1998, the City's Zero Based Management Review (ZBMR) team conducted an audit of four areas within the Risk Management Department. Those areas were: (1) Funding and Strategic Management; (2) Employee Benefits; (3) Workers' Compensation including Rehabilitation and (4) Safety. The ZBMR team's final report in March of 1999 contained several observations and recommendations. One of those observations was of the current labor intensive and manual paperwork processing environment, which led to two of the Committee's

major recommendations: (1) The need for an independent analysis of departmental opportunities by industry experts, and (2) The need to modernize supporting Information Systems particularly in the area of Workers' Compensation.

In November of 1999, Risk Management received "A" list approval (from the City's Information Technology & Communications Department) to automate the Workers' Compensation, Long Term Disability and Safety processes. A project management team including representatives from Risk Management, Information Technology and Communications, Auditor's Office, Optimization, San Diego Data Processing (SDDPC) and The Gartner Group, an independent Information Technology consultant, was created. In an effort to avoid the duplication of the current system inefficiencies and related business practices and consistent with the ZMBR recommendation, the project team identified the need for an independent operational assessment and best management practice study.

In February 2000, phase I of the Injury Tracking and Safety (ITSS) project began with the competitive selection of a third party consultant to assess the operations of the Risk Management Department's Workers' Compensation, Long-Term Disability and Occupational Safety and Health Programs and to provide recommendations for the implementation of best management practices and information systems. In May of 2000, Deloitte and Touche was the selected consultant to provide these services.

In November 2000, Deloitte & Touche completed and delivered their findings as a part of the best management practice study. The reports submitted centered on an Operational Assessment, Best Management Practices Gap Analysis, Risk Management Information System (RMIS) and Implementation and a Change Management Strategy. The recommendations were immediately incorporated by Risk Management into a project plan and schedule.

Many of the best practices recommended by Deloitte & Touche revolve around a new, automated system for Risk Management. This system will replace an antiquated mainframe system that was specifically developed by SDDPC for the City in 1985 and will significantly streamline Workers' Compensation claims management and processing. The procurement and implementation of a "Commercial Off The Shelf" (COTS) system is a significant component of the Injury Tracking and Safety System project. However, implementation of non-automated operational best practices in advance and in parallel with the implementation of the new system will provide for greater efficiency and productivity.

As the project team progressed with the implementation of best practices, the need for expertise within specific components of the project was identified. The project team also identified the need for knowledge transfer from the consultant to City staff on these components as being in the best long term interest of the City.

DISCUSSION

Risk Management in conjunction with the project management team identified the need for expertise and experience with the implementation of best practices in parallel with the procurement and implementation of a COTS system. A competitive process was initiated in March 2001 with the release of an RFP that requested implementation assistance in the following areas: (1) Design and implementation of the first report on injury/accident notification policy and procedures utilizing a Call In Center and the Internet; (2) Integrated Managed Care program development including vendor evaluation and implementation; (3) Development and implementation of desired cost allocation strategy and/or revision of fund structure for departmental accountability; (4) Change management assistance for the integration of business re-engineering with system implementation; (5) Claims Manual revision for Workers' Compensation and Long Term Disability; and (6) Development of a Corporate Safety Manual.

A selection committee comprised of Risk Management, Information Technology and Communication, Water, Optimization and Equal Opportunity Contracting Program evaluated the two proposals submitted by Deloitte and Touche LLP and Marsh Risk & Insurance Services. Each vendor was given the opportunity to present their proposals to the committee. After such presentations, the committee voted 6-1 in favor of the Deloitte and Touche LLP proposal.

Approving the proposed agreement will enable the City to successfully proceed with the implementation and integration of best management practices and information systems. The benefits and improvements from this project include but are not limited to the following:

- Improved timely notification via a call-in-center for injured workers
- Better care for injured employee through effective claims and medical management
- Reduced manual labor via automated bill review and payment including reduced cost to the City
- Better management and reduced costs from the City's Medical Managed Care provider,
- Improved accountability for Risk Management staff as well as operating departments
- Compliance with state mandated reporting requirements
- The ability to provide better information to operating departments enabling them to more effectively manage their workforce.

As a result of this RFP process, Risk Management recommends approval of an agreement with Deloitte & Touche L.L.P. to assist the City with the first five of the six listed initiatives. Risk Management has determined that the sixth initiative, development of a Corporate Safety Manual, will be best served as a stand-alone project and is considering other alternatives for implementing this initiative.

ALTERNATIVE

Do not approve the agreement between the City of San Diego and Deloitte and Touche to assist the City with the implementation and integration of best management practices in conjunction

with a Commercial Off-the-shelf Software package in the areas of Workers' Compensation, Safety and Long Term Disability (LTD). This alternative would negatively affect the City's ability to successfully implement recommendations from the Zero Based Management Review Committee and the industry best practices made by Deloitte & Touche.

Respectfully submitted,

Edward S. Oliva
Risk Management Director

Approved: Lamont Ewell
Assistant City Manager

OLIVA/MJD

Note: The attachments are not available in the electronic format. A copy is available for review in the office of the City Clerk.

- Attachment(s):
1. Request for Proposal For Consultant Services for Implementation of Best Management Practices In Areas Related to the City's Safety and Environmental Health, Workers' Compensation, and Long Term Disability Programs
 2. BMP Implementation Contract



THE CITY OF SAN DIEGO **MANAGER'S REPORT**

DATE ISSUED: July 10, 2001 REPORT NO. 01-142

ATTENTION: Committee on Rules, Finance and Intergovernmental Relations
Agenda of July 11, 2001

SUBJECT: Legislation adjusting Daylight Savings Time to promote energy conservation

SUMMARY

Issue – Should the City Council support federal legislation, H.R. 704 and section 204 of H.R. 1647 to allow states in the Pacific Time Zone to temporarily adjust the standard time in response to the energy crisis?

Manager's Recommendation – Support H.R. 704 and Section 204 of H.R. 1647 and direct the City's contract lobbyist in Washington D.C. to communicate the City's position to the appropriate members of Congress.

BACKGROUND

Time zones were first used by the railroads in the 1880s to standardize their schedules. Before the time zones were established, a system existed whereby every major city and region set clocks according to local astronomical conditions. The completion of the transcontinental railroad and the need to have a standardized train schedule were the catalysts for establishing nationwide rail zones.

In 1918, the U.S. Congress made the U.S. rail zones official under federal law and gave the responsibility to make any changes to those zones to the Interstate Commerce Commission. When Congress created the Department of Transportation (DOT) in 1966, it transferred the responsibility for the time laws to the DOT.

Also in 1918, Congress placed the country on Daylight Saving Time (DST) for the remainder of World War I in an effort to conserve energy resources for the war effort.

However, because of the law's unpopularity, it lasted only seven months and was repealed.

On February 2, 1942, Congress reinstated DST to save energy during World War II. Time in the U.S. was advanced one hour year-round until September 30, 1945. From 1945 to 1966, there was no U.S. law about DST so states and localities were able to choose to observe the time or not. By 1966, approximately 100 million Americans were observing DST through their own local laws causing confusion for the broadcasting industry and for trains and buses. Congress, seeking an end to the confusion, passed the Uniform Time Act of 1966 establishing a single pattern across the country. The Uniform Time Act created DST to begin on the last Sunday of April and to end on the last Sunday of October. Any area that wished to be exempt from DST was permitted upon the adoption of a local ordinance. The Uniform Time Act was amended in 1986 to begin DST on the first Sunday in April.

DISCUSSION

In an effort to help California and the western power grid reduce energy consumption and avert rolling blackouts during peak energy usage times, Congressman Sherman (D – Woodland Hills, CA) introduced H.R. 704, the Energy Time Adjustment Authorization Act. Congressmen Filner and Hunter have signed on as cosponsors of the measure.

H.R. 704 was introduced by Mr. Sherman in response to various studies, which have concluded that the observance of daylight saving time results in significant reductions in energy use (approximately 3400 MegaWatt hours (MWh) according to a report by the California Energy Commission). Existing law allows states to exempt themselves from observance of DST and to observe Standard time year-round, but does not permit states to observe DST year-round.

Congressman Sherman's legislation would permit year-round observance of DST, if any of the legislatures of any of the states of California, Nevada, Oregon or Washington makes a finding that adjusting the standard time is necessary to help alleviate the energy crisis, that legislature is authorized to make any adjustments to the standard time, on a statewide basis, as it considers necessary. Once one of the four western states has made the required finding, any of the other three states may make an adjustment to their standard time, on a statewide basis, without first making a finding. The authority to have adjusted time in effect pursuant to H.R. 704 would expire after December 31, 2003.

Additionally, Section 204 of H.R. 1647 (Barton (R) – Fort Worth, TX) contains the exact same provisions of H.R. 704 which would permit the four western states to observe DST year-round.

According to a study by the California Energy Commission conducted in May 2001, the largest peak savings would occur during the Winter DST scenario. Winter DST modeling predicts a reduction of approximately 3400 MWh per day, or 0.5 percent. The savings associated with this reduction of consumption would be around \$60 million under

pre-deregulation prices while recent marginal price savings could be as great as \$350 million. Most importantly, the reduction in peak demand may reduce the chance of rolling blackouts.

CONCLUSION

In conclusion, City staff recommends that the City Council support H.R. 704 and Section 204 of H.R. 1647 and direct the City's federal lobbyist to communicate the City's position to the appropriate members of Congress.

Respectfully submitted,

J. Brent Eidson
Governmental Relations

Approved: P. Lamont Ewell
Assistant City Manager



THE CITY OF SAN DIEGO **MANAGER'S REPORT**

DATE ISSUED: August 2, 2001 REPORT NO. 01-175

ATTENTION: Rules, Finance and Intergovernmental Relations Committee
Agenda of August 8, 2001

SUBJECT: Energy Conservation and Management Status Report No. 5

REFERENCE: Manager's Report No.01-115, dated May 31, 2001
Manager's Report No.01-062, dated March 29, 2001

SUMMARY

Issues –

- 1) Should the City Council direct the City Attorney and City Manager to prepare and provide comments at the California Public Utilities Commission (CPUC) Public Participation Hearing in San Diego on September 10, 2001 in favor of revising Baseline Zones in San Diego and increasing baseline energy allocations to reflect current residential energy usage patterns?
- 2) Should the City Council authorize the City Manager to partner with the San Diego Regional Energy Office (SDREO), County of San Diego, County Water Authority, SANDAG and other governmental agencies in sponsoring a San Diego Regional Energy Infrastructure Study to be used in the development of a Regional Energy Strategy and provide proportional funding for the study not to exceed \$75,000?
- 3) Should the City Council authorize the City Manager to enter into an Electronic Data Interchange (EDI) and Funds Transfer Agreement with San Diego Gas & Electric Company so the City can receive and pay its 3000 monthly energy bills electronically?

Manager's Recommendations –

- 1) Direct the City Attorney and City Manager to provide comments at the CPUC Public Participation Hearing on September 10, 2001 regarding baseline energy allowances urging the CPUC to: 1) revise Baseline Zones in San Diego, 2) increase the percentage of average energy use to the highest legally allowed in establishing baseline quantity levels and 3) to take into consideration changes in residential energy use patterns since baseline levels were last revised in 1989 including the significant energy conservation measures taken over the last year.
- 2) Authorize the City Manager to participate in a San Diego Regional Energy Infrastructure Study and provide proportional funding for the study not to exceed \$75,000.
- 3) Authorize the City Manager to enter into an Electronic Data Interchange (EDI) and Funds Transfer Agreement with San Diego Gas & Electric Company to enable the City to immediately transition from “paper” energy bills to receiving energy bills electronically and ultimately to paying energy bills through the electronic transfer of funds.

Other Recommendations – None

Fiscal Impact – The \$75,000 cost of the Regional Energy Infrastructure Study will be allocated between the Environmental Services Department, Water Department, MWW and the General Fund in the same proportions as the energy program was initially funded. There is no direct fiscal impact from entering into the EDI Agreement with SDG&E. The internal programming costs for using the EDI data for the management of energy consumption is estimated to be less than \$30,000 and is available in existing data processing budgets of the participating departments.

BACKGROUND

On January 17, 2001, Governor Gray Davis declared that a State of Emergency existed in California due to a shortage of electrical energy. The California Independent System Operator (CAISO) projected that California would face significant energy shortfalls during June through September with power outages occurring on up to 35 days during the summer months.

City staff provided an initial report on the energy emergency and the status of the City's energy conservation and managements efforts at the Rules Committee meeting on February 21, 2001. The Committee directed the Environmental Services Department to return with monthly updates regarding the City's response to the energy emergency. This fifth status report responds to that direction and to specific questions raised at the Rules Committee meeting of July 11, 2001.

DISCUSSION

Summer Energy Outlook

During July, Statewide peak daily energy demand levels remained significantly lower than projected by CAISO in its March 22, 2001 "Summer Energy Outlook Report." In that report, CAISO projected peak daily energy demand levels during June, July, August and September would reach 47,000 MW and exceed energy supplies resulting in rolling blackouts. As the result of a combination of voluntary energy conservation efforts by California residents, business and governmental agencies and cool weather, peak energy demand during June and July only exceeded 36,000 MW two days, July 2 and 3, and never exceeded the 40,000 MW level. Additionally because of new generation capacity becoming available and imported energy, adequate energy supplies were available for the entire period. However, if statewide average temperatures in August exceed the 90 degree temperatures experienced on July 2 and 3, 2001, when peak demand reached 40,000 MW and Stage 2 Alerts were issued, then energy supplies could be strained to meet peak demand levels as originally projected by CAISO and the potential for Stage 3 Alerts and rolling blackouts could return.

Therefore, it is essential that Californian's continue their concerted energy conservation efforts throughout Summer 2001 to avoid or minimize the potential for rolling blackouts.

San Diego Area Electrical Generation Facilities

Since the last Energy Status Report, there have been three changes regarding area energy generation facilities, all of which occurred on July 11, 2001. First, the 50 MW Wildflower – Larkspur peaking facility on Otay Mesa became operational. Second, the 50 MW CalPeak Border peaking facility on Otay Mesa received its final permits from the California Energy Commission (CEC). The facility should be on-line and operational by the end of September. Third, developers of the controversial 57 MW expansion of the existing RAMCO peaking facility in Chula Vista withdrew their application, after approval from the CEC, citing a lack of confidence in the credit worthiness of CAISO as the energy purchaser through a Summer Reliability Agreement (SRA). RAMCO wanted the State Department of Water Resources (DWR) to provide credit support for CAISO or to assume CAISO's SRA. When the DWR would not agree to those demands, RAMCO stated they would not be able to commit to a construction schedule that would have the facility operational by the September 30, 2001 date required by the CEC permit and, therefore, the permit was nullified.

San Diego Area Baseline Zones

At the July 11, 2001, Rules Committee meeting, Mr. Nelson of SDG&E presented information on how SDG&E's service area is divided into three climatic Baseline Zones. The Committee requested staff to return with additional information regarding the San Diego area Baseline Zones.

Under State law, the Miller-Warren Energy Lifeline Act of 1976, the California Public Utilities Commission (CPUC) was required to designate a baseline quantity of gas and electricity which is necessary to supply a significant portion of the reasonable energy needs of the average residential customer. In setting those quantities, the CPUC was directed to take into account the difference in energy needs between all-electric residences and those with both gas and electric service and to take into account differences in energy use by climatic zone and season. Initially baseline quantities were set at 50 to 60 percent of the average residential customer's consumption in similar climatic zones. Additionally, CPUC was directed to provide higher energy allocations for residential customers with special medical needs who are dependent upon life-support equipment than are allocated for the average residential customer. According to SDG&E, this provision is working well and has the flexibility to meet the individual needs of residents with special requirements.

For the San Diego area, three baseline climatic zones were established and no allowance was made for seasonal differences in energy usage. The climatic zones for San Diego and the percentage of the residential customers in each zone are:

Climate Zone 1:	Coastal Area to the Mountains	98.5% of Customers
Climate Zone 2:	Mountain Areas	1.0% of Customers
Climate Zone 3:	Desert Areas	.5% of Customers

Climate Zone 1 represents 98.5% of all San Diego area residential customers and 100% of City of San Diego residential customers. It does not appear that the current zone boundaries accurately reflect climatic variances within the San Diego area since Climate Zone 1 extends from the cooler coastal areas to the inland areas that experience significantly warmer temperatures during summer months. Additionally, baseline quantities do not reflect the seasonal variances in energy use during the summer when air conditioning use is needed in San Diego's inland areas.

Baseline Allowances and Revisions

The Public Utilities Code, Section 739, requires the CPUC to review and revise baseline quantities as average consumption patterns change in order to maintain baseline quantity ratios of 50 to 60 percent of average residential consumption. Baseline quantities were established in 1976 and last revised in 1989. While baseline quantities are set based on daily consumption to reflect the variance in the number of days in a billing cycle, they currently average about 250 kWh per month for San Diego residences.

SDG&E consistently uses a "bill frequency" methodology in setting baseline quantities, believing that it results in a higher baseline than using an arithmetic average of the usage by residential customer. The bill frequency method seeks to find the energy usage level that includes target levels (55% of all customers) and that quantity becomes the baseline level.

Consumption patterns for energy usage have changed significantly over the last 25 years. Although newer homes, appliances and other electronics are more energy efficient, significant changes have occurred that impact average energy usage patterns. Baseline allowances should, but currently do not, take into consideration the larger sizes of newer homes, increases in homes with air conditioning, newer technology and appliances, microwave ovens, personal computers, VCRs and climatic conditions in determining average residential consumption as well as other characteristics now prevalent in everyday lives. According to SDG&E calculations, the 1988 baseline level of 250 kWh covered monthly usage of 55% of residential accounts. In 2001, a baseline of 252 kWh covers the monthly usage of only 47% of residential accounts. Their records also indicate that electrical energy use was very stable in 1998 through 2000, and then decreased significantly (20%) in 2001 due to conservation efforts. The consumption rates were: 1998 – 485 kWh, 1999 – 474 kWh, 2000 – 481 kWh, and 2001 – 392 kWh.

Importance of Baseline Quantities

The CPUC is considering the largest rate increases imposed by the CPUC on customers in the PG&E, SCE and SDG&E service areas to provide sufficient revenues for wholesale power purchases and to promote conservation. The rate increases are based on spreading the increases among residential customers who use more than 130% of baseline quantities. During public hearings on the proposed rate increases in PG&E and SCE territories, the major issue raised by public speakers was the difficulty in achieving usage within baseline levels. Many questioned how baseline levels were set, that they were outdated and should not be used as the benchmark for spreading the proposed energy surcharge (rate increase).

Revisions to the baseline allowance could increase energy allocations to a level more reflective of current energy use patterns. Accurate baseline allotments are important since residential customers that exceed their baseline allotment by 130% could experience significant rate increases under SDG&E's proposed five-tier rate structure. Consumers who use less than their baseline allowance would continue to pay 6.3 cents per kWh. Tier two would charge 8.8 cents per kWh for energy between the baseline quantity and 130% above the baseline. Tier three is for energy used between 130 % and 200% of the baseline allowance and would be 10.29 cents per kWh. Tier four would charge 14.09 cents per kWh for energy used between 200% and 300% of baseline levels. Tier five would be for all energy used above 300% of the baseline level which would be charged at 17.89 cents per kWh. The following table is an example of how tiered pricing would work in four scenarios based on a 250 kWh baseline:

	200 kWh/Mo kWh/\$	400 kWh/Mo kWh/\$	600 kWh/Mo kWh/\$	800 kWh/Mo kWh/\$
Tier 1, \$.066	200 / \$13.20	250 / \$16.50	250 / \$16.50	250 / \$16.50
Tier 2, \$.088	-	75 / \$6.60	75 / \$6.60	75 / \$6.60
Tier 3, \$.1029	-	75 / \$7.71	175 / \$18.01	175 / \$18.01
Tier 4, \$.1409	-	-	100 / \$14.09	250 / \$35.23
Tier 5, \$.1789	-	-	-	50 / \$8.85

Total / Avg kWh	\$13.20	\$30.81	\$55.20	\$85.19
(\\$)	\$0.066	\$.077	\$0.092	\$0.1065

The table illustrates just the energy portion of the “theoretic” monthly bills, in addition there would be \$0.085 per kWh for distribution charges and taxes and fees to calculate the entire monthly cost.

The CPUC has scheduled seven Public Participation Hearings throughout the State to obtain public views on the issues of Baseline Zones, Baseline Allowances and potential revisions. A hearing will be held in San Diego at 7:00 PM on September 10, 2001 in the San Diego Concourse. It is recommended that staff provide comments at that hearing, urging the CPUC to: 1) consider revising the Baseline Zones in San Diego from three zones (Coastal, Mountain, & Desert) to four zones (Coastal, Inland, Mountain & Desert) to more accurately reflect climatic and temperature differences during summer months, 2) raise the percentage of average use from the current 55% level to the 60% level permitted by law in calculating baseline quantities, and 3) take into consideration changes in energy use patterns since 1976 due to the expansion of home use of computers, faxes, air conditioning, etc. and that in looking at average annual energy usage that 2001 usage not be used in setting baseline quantities so as not to penalize residents for the energy conservation efforts that significantly reduced consumption during 2001. If baseline quantities are going to be used as a benchmark for allocating rate increases, then those quantities must be fair, accurate and attainable by conscientious residents.

Regional Energy Infrastructure Study

The San Diego Regional Energy Office (SDREO) has proposed to enter into a partnership with the City of San Diego, County of San Diego, County Water Authority, SANDAG, Utility Consumers Action Network (UCAN), the Port of San Diego, and other governmental agencies to conduct a comprehensive study of the need for energy infrastructure in the region and to guide public policy development of a long-term Regional Energy Strategy.

This report would provide information to help answer the question of should the County Water Authority construct and operate a 50 MW gas fired electrical energy generation facility and would the City of San Diego be able to commit to taking 40% of the net energy output from the facility. The study is proposed to be paid by the participating agencies with a maximum cost to any agency of \$75,000. The City’s commitment to the funding of this study would be contingent upon SDREO reaching agreement with a sufficient number of governmental agencies and NGO’s to fully fund the study.

Public Outreach Programs

Summer Breeze: A Fund for Fans is a program created to help with ensuring the safety of San Diego’s homebound or medically frail residents during times when temperatures may create unsafe living conditions. The program is a partnership of the City of San Diego, its employee giving program “SHARE,” SDG&E, United Way Chad, the San Diego Police Department, San Diego County, and the County Sheriff’s Department. Fans will be purchased as fundraising

efforts allow and then delivered to residents currently served by the Police and Sheriff's Retired Service Volunteer Program (RSVP) and their in-home visit efforts.

¡Power PaLooza! is an energy fair and fundraiser for *Summer Breeze* scheduled for Saturday, August 18, 2001 from 11:00AM to 3:00PM. The event will coincide with the State of California's *Flex Your Power Appliance Awareness Week*, August 11 through 18, 2001. *¡Power PaLooza!* will be hosted jointly by the City of San Diego Environmental Services Department and San Diego Gas & Electric and will be held at the City of San Diego's Ridgehaven Green Building. It is targeted at homeowners and families and is designed to raise awareness about conservation methods and energy-efficient products. Funds earned above recovering event costs will be donated to the *Summer Breeze* effort.

Heat Safe Zones is a City of San Diego program, created in collaboration with San Diego County's "Cool Zones" Program, which is designed to provide citizens, who may not be able to cool their living quarters, with safe places to go during the day to get out of the heat. The City's libraries and parks and recreation facilities have been designated as *Heat Safe Zones*. Brochures describing the program and encouraging citizens to take part in the many activities available at these sites will be distributed throughout the city. San Diego County, SDG&E, Channel 10 and the City's websites will identify the city's *Heat Safe Zone* facilities.

Private funding sources are being developed to expand corporate sponsorships for the *Green Schools Program*. This program teaches students about energy use, air pollution, and global climate change, while helping non-profit organizations that have been heavily impacted by the current energy-supply shortage. In last spring's pilot project, eight Rancho Bernardo High School students conducted a lighting audit and coordinated a lighting retrofit at the Sherman Heights Community Center in June. Sony Corporation donated money to help the students purchase energy-efficient lighting fixtures and the services of Amtech Lighting to conduct the lighting retrofit. As a result, the Community Center's monthly electricity bill is expected to drop 35 percent. With similar contributions from other corporate sponsors, the goal is to expand the program to benefit hundreds of students and other non-profit organizations.

The City of San Diego is cosponsoring the August 25, 2001 *Green Built: San Diego Tour*, which is designed to highlight the City's Ridgehaven Building, Row Houses in downtown San Diego, a Shea High Performance Home, and a cluster of three straw bale custom homes in Jamul. The tour is part of a national effort produced in partnership with the U.S. Department of Energy and the Sustainable Living Alliance.

City Energy Internet Site

The Environmental Services Department's Energy Conservation & Management Division is moving forward with the development and deployment of a portal-driven internet site devoted to energy issues. Citizens of San Diego will soon have a single location on the web where they can monitor the City's response to the California energy emergency, give advice on how the City can conserve energy and save money, and find tips on how they too can reduce energy consumption

and save money. The site will include links to the SDG&E and CAISO web sites that provide

up-to-the-minute status of statewide electricity consumption and supply and the likelihood of unplanned outages. The portal product distributed by Viador™ will be used for this development effort, and ESD and SDDPC staff is working cooperatively to implement this vision. The current timeline specifies that a working internet site will be in place by August 8, 2001.

Photovoltaic Energy Generation Projects

As previously reported, City staff is pursuing the multi-year implementation of photovoltaic energy generation systems at City facilities in furtherance of Goal #9, Pursue Energy Independence. Under current State law, which allows net metering or an equal exchange of value for energy generated and provided to the grid and energy consumed from the grid, individual facilities can in effect be energy independent.

The Request for Qualifications for the installation of photovoltaic systems was advertised in various publications beginning on Friday, July 20, 2001. The advertisement appeared in several publications including: The San Diego Daily Transcript, Integrated Marketing Systems, San Diego Public Record Reporter, La Prensa San Diego, Asian Journal, The Voice & Viewpoint.

The review and selection of qualified Design/Builder's include the following milestones:

Pre-Submittal Meeting	July 31 2001
Statement of Qualification due.....	August 21, 2001
Panel Interviews	August 27 thru August 31, 2001
Select Qualified Design Builders	September 7, 2001
Letter of Notification.....	September 14, 2001

Following the completion of the RFQ process, the qualified Design/Builder's will receive the first Request for Proposal package. The qualified firms will have thirty (30), days to propose what they believe to be the best design for a particular facility or group of facilities as presented in the RFP. The first RFP will bundle five facilities including the Environmental Services Operations Center, the Ridgehaven Green Building and three facilities at the Metropolitan Operations Center, totaling about 150 kilowatts of electricity. All qualified Design/Builders will have an opportunity to present their ideas to the RFP interview panel. The RFP selection process will be completed in six weeks, followed by four weeks of preparation and approval for the shop drawings and permit approvals. The construction phase can typically begin 12 weeks after the initial RFP date. Construction is anticipated to begin by January 2002 and be fully operational before summer 2002.

Change in Approach for the Installation of Photovoltaic Systems:

Originally the energy team proposed a two-phased approach for implementing a Photovoltaic Energy Generation Program. The energy team is now proposing a single phased approach. This change is based on additional information gathered during the last eight weeks and knowledge of today's Photovoltaic (PV) market and market sustainability.

Currently, photovoltaic equipment prices coupled with state agency buy-down incentive programs make these projects economical. Without buy-down incentive programs, these systems are not economically feasible. These buy-down incentive programs are scheduled to last through 2002 and anticipated to be extended for an additional five to ten years.

The RFQ requirements have been expanded to include a large range of potential projects. The RFQ has been structured to qualify design/builder's for a period of one year. During this one-year period, the City will issue multiple RFP's containing one or more projects, ranging in size from 15 kilowatts up to 1 megawatt in size.

The single phased approach will promote a partnership between the City of San Diego and the qualified design/build teams. This approach will also allow the City of San Diego to re-evaluate its position regarding the installation of PV systems on an annual basis. If the State buy-down programs are extended as is currently anticipated, the City could then enter into multi-year requirements contracts that would provide maximum flexibility in installing PV systems in both new construction and retrofits of existing facilities.

Additional PV Projects

To assist in the City's energy conservation and generation efforts using renewable resources, the Environmental Services Department's Programs Division negotiated the installation of two Photovoltaic (PV) systems as part of its new contract with Allan Company for the operation of the Miramar Recycling Center. The contract is currently being circulated for approval and will come before the City Council for consideration in late September. As a part of the contract, the Allan Company will purchase, install, and maintain two stand-alone PV systems, one at the Miramar Recycling Center and one at ESD's Household Hazardous Waste Transfer Facility. The PV systems will be used to help power these facilities and will become property of the City once they are installed.

As reported at the March Rules Committee meeting, in March 2001 the U.S. Department of Energy (DOE), in partnership with the Environmental Services Department, completed a study that evaluated the technical and economic feasibility of placing PV arrays up to 1 megawatt at the Miramar Landfill. Based on the positive outcome from that study, DOE has agreed to fund a second feasibility study of a "Brightfield" PV array of up to 1 megawatt on the City's closed South Chollas Landfill. The City will fund an extension of the study to evaluate the cost effectiveness of placing PV panels on the rooftops of six buildings at the Chollas Operations Station to generate 500 KW of electrical power to meet the energy needs of the Operations Station.

Energy Demand Reduction Program

The City has joined voluntary energy demand reduction program with San Diego Gas & Electric and Onsite Energy Corporation. These programs are funded by the State through the California Energy Commission and the California Independent System Operator to reduce energy demand during peak demand hours, and are expected to have the same effect as bringing additional energy generation capacity on line during Stage 2 Alerts. By taking part in these programs, the City is joining the County and other major businesses in the region in their efforts to reduce energy consumption when a Stage Three Alert is eminent as a means to try to avoid rolling blackouts. Besides helping reduce energy at critical times, the City will benefit by obtaining equipment free of charge that will help monitor City energy consumption and by being compensated at the rate of 17 cents per kWh reduced during a voluntary reduction episode.

These programs went into effect on June 1 and will extend until the end of September, with the potential of being extended further in time if there is a continuing need. Since the program went into effect, there has been only one energy reduction episode that took place on July 3. The City was not ready to participate in that episode because energy monitoring equipment had not been installed at participating City facilities at that time. At this point the City is ready to participate at most of its major buildings downtown. Procedures have been developed to participate in the next voluntary reduction episode when it takes place. Since the program is voluntary, energy usage in public buildings will not be reduced if it would impact operations or public functions.

City Energy Status and Actions

Power (Battery) Back-Up Systems at Top 115 Priority Intersections

On May 15, 2001, Council authorized the Transportation Department's Street Division to install power (battery) back-up systems at the top 115 signalized intersections throughout the city. At the date this report was prepared, back-up systems had been installed at 80 intersections and the remaining installations were proceeding within the contract schedule.

When the back-up systems are installed, the yellow caution lamps and the pedestrian signals are also converted from incandescent lamps to LED lamps and further reduce energy consumption during normal operation of the traffic signals as well as extending the time the signal can operate under the back-up battery power mode.

Point Loma Wastewater Treatment Plant (PLWTP) Fuel Cell Project

The Point Loma Wastewater Treatment Plant (PLWTP) has relatively clean digester gas (biogas). While this renewable fuel is currently being utilized in a 4.5 MW cogeneration system, much of this gas is still being flared. The PLWTP utilizes 2 MW of this electricity on site. To make the best use of this renewable fuel source, MWWD is proposing to install fuel cells at the PLWTP. Sufficient excess gas exists for the production of an estimated 4 megawatts of additional electricity. The fuel cell technology is being proposed because it is an ultra clean process that

would reduce emissions of NOx and CO to the atmosphere from the PLWTP, which is currently classified as a major source of air pollutants by the Air Pollution Control District.

Due to space constraints, potential grant funding level constraints and the limited export capacity of the existing electrical substation, the project is being planned in two phases. The first phase, 1 MW, would be constructed in an existing paved area southwest of the Maintenance Building near the Gas Utilization Facility (GUF) and Central Boiler Facilities (CBF). The second phase, 3 MW, may be constructed in the area next to the GUF currently occupied by the SDG&E substation or at a location south of the plant planned for parking and construction trailers.

Potential grants for funding of up to 50% of the first phase are available from the California Public Utilities Commission as well as the California Energy Commission for installation of up to 1 MW of fuel cells utilizing renewable fuel. However, one of these grants requires the energy produced to be utilized on site. MWWD is trying to make arrangements with the grant administrator to provide a physical method to ensure the fuel cell electrical production is the electricity actually utilized by the PLWTP, in order to meet this requirement, and that electricity from existing generation sources is exported. MWWD is investigating other funding opportunities and grants that will make the two projects economically viable.

Electronic Data Interchange

ESD is working directly with SDDPC's Technology Office to automate the current gas and electric invoicing and billing process for the City of San Diego. Once the EDI protocol is implemented, SDG&E will transfer electronic invoice data to ESD for automated processing and approval of billing data. Once approved by individual departments and ESD Energy Division staff, EDI methods will also be used to automate the return payment to SDG&E. The project is currently undergoing a formal business case review and once approved, ESD can finalize an EDI contract with SDG&E and mobilize staff to begin development of the internal programming needed to take full advantage of this technology. The agreement with SDG&E will provide parallel billing using both invoicing methods (EDI and hard copy) for a period of six months to allow City staff to validate the accuracy of the digital data.

The EDI provided electronic data on energy consumption is a key element in the proposed Portal technology intranet and its business intelligence capability that will provide department managers with real time information on energy consumption compared to the four to five month delay in reporting with the current paper billing system.

Transfer of SDG&E Bill Payment Processing to Energy Conservation and Management Division

Energy Bill Payment has been fully transferred from the Facility Maintenance to the Energy Conservation and Management Division. The transfer of this responsibility will allow a smoother transition to Electronic Data Interchange and the development of analytical functions to help the City have more control of its energy budget and energy consumption, the development of a complete inventory of electric services, and more centralized control of energy functions to

respond faster to emergencies and energy industry /regulatory changes.

CONCLUSION

California's energy emergency has been successfully managed to date through a combination of governmental activities such as expedited permitting of energy peaking facilities, contracting for energy supplies, concerted energy conservation efforts by citizens, businesses and government at the State and local level and new generation facilities coming on line. However, the energy economic emergency is still creating fiscal difficulties since energy bills are still significantly higher than previous years and major rate increases are being proposed to pay for energy purchased by the State, on both the spot market and under long term contracts, to avoid blackouts during the Summer of 2001.

ALTERNATIVES

1. Do not provide testimony at CPUC public hearing.
2. Do not participate in or fund a Regional Energy Infrastructure Study.
3. Do not enter into an EDI Agreement with SDG&E.

These alternatives are not recommended because City needs to fully participate in energy issues on a regional basis as well as City specific basis to insure interests of San Diego residents and businesses are fully represented and EDI information is vital to upgrading the City's management of energy consumption.

Respectfully submitted,

Robert A. Epler
Interim Energy Management Administrator

Approved by:

Richard L. Hays
Environmental Services Director

George I. Loveland
Senior Deputy City Manager

LOVELAND/HAYS/RAE



THE CITY OF SAN DIEGO **MANAGER'S REPORT**

DATE ISSUED: September 5, 2001

REPORT NO. 01-180

ATTENTION: Honorable Mayor and City Council
Docket of September 10, 2001

SUBJECT: Sewer Main Cleaning Services

SUMMARY

Issue - How should the Metropolitan Wastewater Department (MWWD) ensure that all City of San Diego municipal sewer pipelines are cleaned during the next two years?

Manager's Recommendations - 1. Amend the FY 2002 Appropriations Ordinance to add 38 limited half year positions to the MWWD Wastewater Collections Division budget to expedite cleaning of sewer mains by City Forces. 2. Authorize MWWD to supplement the City's effort by advertising and awarding cleaning contracts for up to 550 miles of sewer lines in both FY 2002 and FY 2003, with the FY 2003 funding contingent upon satisfactory performance and Council approval of the FY 2003 Budget Request 3. Authorize the transfer \$ 4.295 million from the Sewer Revenue Fund Unallocated Reserve in order to execute the FY02 portion of recommendation No. 1 and 2.

Other Recommendations - None

Fiscal Impact - The total cost of this action in FY 2002 is \$ 4.295 million and will be funded from the Sewer Revenue Fund Unallocated Reserve. This action will result in a zero balance in the Unallocated Reserve for the remainder of FY 2002. The cost breakdown in FY2002 is \$2.1 million in contractual services, \$1.02 million in additional City staff costs and \$1.175 million in non personnel expense and outlay for heavy equipment. An additional amount of \$2.1 million in contractual services and \$ 2.1 million in City staff costs will be requested as part of the FY 2003 budget process.

BACKGROUND

Protecting the water quality of our beaches and bays is an important goal for the City of San Diego. The City's MWWDD is focused on preventing municipal sewerage system spills and minimizing these spills' collective impact upon our environment. An examination is being made of the Wastewater Collection Division (WWCD)'s sewer main cleaning activities. To date this examination has revealed that approximately one half of the City's Municipal Sewerage System (System) has been maintained in a reactive manner. A history of spills in an area results in a preventive cleaning schedule being created for that area. No system-wide, sewer main preventive maintenance plan is in place. City Forces apply resources predominantly on troublesome portions of the System.

DISCUSSION

The City's System roughly consists of 3000 miles of sewer lines. Approximately half of the lines are under a preventive maintenance cleaning program. During the next two years, MWWDD proposes to clean the half of the system that is not currently under any cleaning schedule as well as to continue the current City cleaning program. Since portions of the system are cleaned with a frequency of greater than once a year, the total "cleaning miles" for the next two years is approximately 4500 miles. This mileage estimate provides a complete cleaning regimen for the entire System, including the non-Right-of-Way portions, while maintaining frequent cleaning service levels for problematic Right-of-Way pipe sections.

City Forces Sewer Cleaning Activities

The City's Right-of-Way sewer cleaning activities comprise a large portion of the WWCD's overall sewer maintenance program. In evaluating how best to improve its System cleaning program, the WWCD has examined three alternatives to perform Right-of-Way cleaning work: using City forces to perform all the Right-of-Way work, three-quarters of the Right-of-Way work, or half of the Right-of-Way work. From this evaluation, it is recommended that City Forces provide sewer cleaning services for three-quarters of the two-year program requirements, or approximately 1700 miles per year. In order to achieve the aggressive goal of cleaning the entire system during the next two years, it is recommended that approximately 550 miles of sewer lines in right of way be cleaned by private contractor(s) during the next year. To maximize the ability of the contractors to participate in this effort, the 550 miles will be divided into several smaller contracts. The contract for cleaning of the first 150 miles of sewer lines has been prepared and is ready to be advertised for bids. The bid opening for the first contract is scheduled for mid October and the remaining three contracts will be advertised within the next 3 to 6 months.

City forces currently working in non-Right-of-Way areas are focused upon establishing short-term access for more than forty canyon-area sewer mains. It has been proposed to access,

investigate, and clean one canyon sewer main each month on an ongoing basis. The Tecolote Canyon trunk sewer was accessed in July 2001. Activities were focused in Stevenson Canyon beginning in August 2001, and have been scheduled for San Clemente Canyon in September 2001. Where canyon access ways exist, equipment is set up at adjoining manholes through the use of conventional motive equipment. Where sensitive habitat does not allow for equipment placement using conventional means, All Surface Vehicles (ASVs) are utilized to transport cleaning equipment into the canyon and spoilage out. It is estimated that ten (10), three person crews (30 total positions) will be required to access and clean the main sewer pipeline in forty canyon areas within a two-year time frame. A significant new investment in additional ASV motive equipment will also be required.

Technical Support Activities

There will be significant technical support required for new non-Right-of-Way maintenance activities. It is recommended that six (6) limited supplemental positions be provided for the following technical support functions: engineering support for canyon pipeline repair, roadway repair, and project management; erosion control activities; environmental permitting activities; and public information and outreach. Technical support for main cleaning activities in the Right-of-Way will continue to be provided by existing City Forces.

ALTERNATIVES

1. Provide all sewer main cleaning services for this two-year effort with City forces. This is not recommended because the procurement of additional, heavy motive equipment could significantly delay implementation of enhanced Right-of-Way main cleaning services. This recommendation would also require hiring of more than 16 additional limited positions beyond the request noted in this report, resulting in delays as this new, temporary staff becomes trained to perform sewer main cleaning duties.
2. Provide more than 550 miles/year of the pipeline cleaning services with private contractors. This alternative is not recommended due to existing capabilities of existing City forces' to provide these service level requirements at a significantly lower cost.

Respectfully submitted,

Scott Tulloch
Director
Metropolitan Wastewater Department

Approved: George I. Loveland
Senior Deputy City Manager

LOVELAND/TULLOCH/CJT:oc

Note: The attachment is not available in electronic format. A copy is available for review in the office of the City Clerk.

Attachments: Position cost calculations